03-22-05

AF/2743

Expedited Procedure

APPN: 09/134,831 (Reissue)
Filed: August 17,1998
Appellant: Richard P. Mettke

Title: On-line Communications Terminal/Apparatus
Group Art Unit: 2743

Examiner: Stella Woo

REVISED APPEAL BRIEF TO THE COMMISSIONER OF PATENTS BASED ON NOTIFICATION OF NON-COMPLAINCE WITH THE REQUIREMENTS OF 37CFR 1.192 (c) DATED March 17, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on 3-20-05 with the US Postal Service with return Receipt requested. The envelope was addressed to:
Commissioner of Patents and Trademarks,
Mail Stop Appeal
P.O. Box 1450 Alexandria, VA 22313-1450

Commissioner of Patents and Trademarks,
Mail Stop Appeal,
P.O. Box 1450 Alexandria, VA 22313-1450

Dear Commissioner of Patents and Trademarks,

In response to the notification of Non-Compliance with Requirements of 37 CFR, dated March 17,2005, the applicant submits the following revised Appeal Brief to the Commissioner of Patents. The revised Appeal Brief is in accordance with Code of Federal Regulation 37, section 1.192 (c). As requested in the notification of Non-Compliance with Requirements of 37 CFR, dated March 17,2005; a corrected copy of the claims has been revised and included at Appendix A. The claims have been revised in accordance with the amendment filed April 17,2000, in response to the non-final Office

action mailed August 25, 1999; and the amendment filed December 11, 2001, in response to the non-final Office action mailed June 11, 2001, which have been entered. Claims 6 and 8 have been presented as they appear in the amendment filed April 17, 2000. Claims 7 and 9 have been presented as they appear in the amendment filed December 11, 2001.

No fees are due since the applicant submitted the required fee with the original brief. The Applicant would like to point out to the Examiner that an exception to the requirement that all the items specified in 37 CFR 1.192(c) be included in the brief is made if the application or reexamination proceeding is being prosecuted by the appellant pro se, i.e., there is no attorney or agent of record, and the brief was neither prepared nor signed by a registered attorney or agent. The brief of a pro se appellant which does not contain all of the items, (1) to (9), specified in 37 CFR 1.192(c) will be accepted as long as it substantially complies with the requirements of items **(1), (2), and (8)**. There is no longer an attorney of record or agent and this brief was neither prepared by a registered attorney or agent. The applicant respectfully submits that this amendment substantially complies with the requirements of items **(1), (2) and (8)** 37 CFR 1.192(c).

APPEAL BRIEF

1. **Real party in interest**. I, Richard P. Mettke, appellant, am the real party in interest.
2. **Related appeals and interferences.** There are no appeals or interferences known to the appellant which would directly affect or have a bearing on the Board's decision in the pending appeal.
3. **Status of claims.**

   Claims 6-9 are pending

   Claim 1-5 were cancelled

   Claims 6-9 are being appealed.

4. **Status of amendments.** Amendment filed April 17, 2000 in response to the non-final Office action mailed August 25,1 999 and the amendment filed December 11, 2001 in response to the non-final Office action mailed June 11, 2001 have been entered. After-final amendments filed April 24, 2002, May 29, 2002 and September 16, 2002 in response to the final rejection were not entered.

5. **Summary of invention.** This summary of the invention references both the original disclosure **(January 23,1995)** and the issued Patent **(February 11,1997)** A "pay-as-you-use" communication terminal capable of interfacing with the **Internet (page 2 of original disclosure/ page 1 column 2, 1st paragraph, patent 5,602,905)**. Users can receive a hard copy of any activity that they conduct from the terminal through the co-located printer **(page 4 of original disclosure, par (e)/ page 1 column 2, line 61, patent 5,602,905)**. Payment of services will be made by credit card, using a

"magnetic swipe" system included as part of the terminal system. Users will be charged for use of the system as well as normal telephone charges.

The present invention disclosed in the **original disclosure** and issued **patent (5,602,905)** comprises a system for accessing the Internet on a pay-as-you-use basis. The system includes a Central Processing Unit (CPU), internal modem, monitor, printer, credit card reading swipe device and housing **(page 5, figures 1&2 description, original disclosure/ page 3 column 2, lines 40-67, patent 5,602,905).**

(a) Users can conveniently access the Internet at other locations other than from their fixed terminal at an office or home.

(b) Users can receive a hard copy document from a printer of any activity that they conduct at the terminal.

(c) Users will pay for the use of the terminal using a credit card swipe apparatus. The user will be charged for use of the terminal, telephone line use charges and additional charges to access the Internet.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 A typical functional embodiment is schematically illustrated by block diagram form in FIG. 1. **(Page 6, 1st paragraph of original disclosure/ page 3 column 2, lines 40-67, patent 5,602,905).**

FIG. 2 A typical embodiment of the terminal is illustrated in diagram form in FIG. 2. **(Page 6, 1st paragraph of original disclosure/ page 3 column 2, lines 40-67, patent 5,602,905).**

The drawings- The drawing in the original disclosure, patent 5,602,905 and the reissue application (as amended) do not present any new matter.

The appellant would like to note the original Patent was applied for on January 23, 1995 and granted on February 11, 1997.

6. Issues.

There are **Four issues** concerning the reissue by the Examiner of record. The issues are:

- **Whether new matter was introduced into the drawings and specification.**
- **Whether claim 7 is unpatenable under 35 USC first paragraph, as containing subject matter, which was not disclosed at the time the application was filed.**
- **Whether claims 6-9 are unpatenable under 35 USC, 103 (a) due to four pieces of prior art:**

  a. An article entitled " ***TouchFax Provides the Ultimate in Place-based Interactivity***" **(Exhibit** E, referenced in USPTO Office Action dated August 24, 1999). Provided at Appendix B.

  b. Touchfax brochure entitled "***Vision, Power, Versatility***" **(Exhibit F,** referenced in USPTO Office Action dated August 24, 1999). Provided at Appendix C.

  c. An article that was posted on the WWW, " ***Suggestions for Information Kiosk Systems using the World Wide Web***" by Rawn Shah **(Exhibit I** referenced in USPTO Office Action dated August 24, 1999). Provided at Appendix C.

  d. Prior Art made of record and not relied on- European Patent EP 0486160 A2 (Touchfax), Multi-purpose Public Facsimile transmission terminal. Provided at Appendix F

The applicant would like to note that this was the **first occasion** that his prior art was provided to the applicant (USPTO Notification of Non-Compliance with Requirements of 37 CFR, dated July 13,2004).

7. **Grouping of claims.**

The claims all stand together.

8. **Argument.**

Issue 1- Whether new matter was introduced into the drawings and specification.

As shown in the description of the invention above (**5. Summary of Invention**), referencing paragraphs in the original disclosure and the issued patent, **no new matter** has been entered in to the reissue submission that had not been disclosed in original disclosure. The textual and graphic illustrations from the original disclosure, patent and reissue application enter **no** new matter. The applicant has provided a "statement" from someone skilled in the art (Mr. Greg Adank, appendix E) in an office response where he states that the prior art issues presented by the examiner have no merit. He also goes on to say that there is enough material presented in both the original disclosure and the patent (and reissue application) to allow someone skilled in the art to carry out and manufacture the claims in question. Because the statement (and discussion) was provided to the examiner in a previous office action and it is enclosed at appendix E, the applicant will not provide a duplicate argument. In the *original disclosure* the applicant references 74 patents (page 3, line 11-**Original** disclosure) as prior art and discloses US patent No 4,374,381, *Touch terminal which communicates and controls micro processor.* In patent 5,602,905 the

applicant discloses US patent No 4,374,381, *Touch terminal which communicates and controls micro processor* (page 3, Column1, line 43). The Examiner issued the patent. The reissue has no new matter and clearly presents a case for best method for carrying out the elements of the invention.

In response to numerous office actions, the applicant amended language in the specification that the examiner considered new language, where appropriate. The applicant had on many occasions asked the Examiner to "specify" which language she considered "new matter" after he made the recommended amendments. These requests where to no avail, as the Examiner would not provide any specificity.

Issue 2-Whether claim 7 is unpatenable under 35 USC first paragraph, as containing subject matter, which was not disclosed at the time the application was filed.

Subject matter (Claim 7) rejected by the Examiner as not disclosed in the original disclosure.

Description of the subject Matter: Claim 7 reads: Claim 7. The terminal of claim 6, wherein the means for accessing includes a keyboard which communicates with and controls a microprocessor.

Errors in the rejection: A keyboard is in the figure 2 of patent 5,62,905 as well as in the detailed description of the invention (page 2, column 2, line 43). In the original disclosure a keyboard is mentioned numerous times (for example on page 3, Description of prior art, US patent 4 092,527). As far as a keyboards communication with a microprocessor, it is well established in prior art that that is what a keyboard does (communicates with a CPU's microprocessor). In both the original disclosure and

the patent, numerous examples of prior art have been provided to demonstrate this.

Claim seven is clearly disclosed in the original disclosure.

Specification, Drawings and Claims describe the subject matter:

Figure 2 shows one embodiment of the Applicant's claimed invention. Specifically, Figure 2 shows a housing 10 for the terminal, a monitor 11, a credit card swipe reader 12, keyboard 13, printer paper discharge chute 14, the location 15 of the printer, the location 16 of the CPU with internal modem, and the access door 17. Applicant has amended the specification to remove the references to "printer paper discharge chute" and the "access door" and has submitted a substitute drawing of Figure 2 removing these structures and their corresponding reference numerals. The other structures shown in Figure 2 are found in the disclosure as originally filed on January 23, 1995, and/or one or more of the patents listed at Col. 1, lines 36-56.

A durable enclosure, or housing, for a computer and computer circuits is disclosed in U.S. Patent No. 4,092,527 at Col. 2, lines 66-68; Col. 3, line 3; Col. 3, lines 34-38 and in U.S. Patent No. 5,235,680 at Figures 3 and 4. A monitor for a computer terminal is disclosed at page 5 of the disclosure as originally filed, as well as in U.S. Patent No. 4,274,081 at Figure 1 and Col. 2, lines 27-28. A credit card swipe reader for a computer terminal is disclosed at page 5 of the disclosure as originally filed, as well as in U.S. Patent No. 5,334,823 entitled "Systems and Methods for Operating Data Card Terminals for Transaction Chargeback Protection." A keyboard for a computer terminal is disclosed at page 5 of the disclosure as originally filed, as well as in U.S. Patent No. 4,274,081 at Figure 1 and Col. 2, line 28. A printer for a computer terminal is disclosed at page 5 of the disclosure as originally filed. A CPU with internal modem for a computer terminal is disclosed at page 5 of the disclosure as originally filed. Moreover, all of these structures are reasonably communicated to persons skilled in the art in the disclosure such

to enable those skilled in the art to make and use the invention as of January 23, 1995. As discussed in the disclosure as filed, "[interconnection and operability of the components is not discussed in greater detail since the technology is well known in [the] prior art.]" Col. 3, lines 1-3.

Issue 3-Whether claims 6-9 are unpatenable under 35 USC, 103 (a) over four items of prior art:

A. An article entitled " ***TouchFax Provides the Ultimate in Place-based Interactivity*"** (**Exhibit E**, referenced in USPTO Office Action dated August 24, 1999). Provided at Appendix B.

B. Touchfax brochure entitled "***Vision, Power, Versatility***" (**Exhibit F**, referenced in USPTO Office Action dated August 24, 1999). Provided at Appendix C.

C. An article that was posted on the WWW, " ***Suggestions for Information Kiosk Systems using the World Wide Web*"** by Rawn Shah **Exhibit I**, referenced in USPTO Office Action dated August 24, 1999). Provided at Appendix C.

D. European Patent EP 0486160 A2 (Touchfax). The applicant would like to note that this was the **first occasion** that his prior art was provided to the applicant (July 13, 2004). Provided at Appendix F.

Issue 3. A.- An article entitled " ***TouchFax Provides the Ultimate in Place-based Interactivity*"** (Exhibit E, referenced in USPTO Office Action dated August 24, 1999). Provided at Appendix B.

Errors in the rejection:

***TouchFax Provides the Ultimate in Place-based Interactivity"*-Exhibit E:** Exhibit E is not proper prior art. A proper reference is proven to be a "printed publication upon satisfactory showing that such document has been disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art, exercising reasonable diligence, can locate it." *In re Wyer,* 655 F.2d 221, 10 (CCPA 1981); MPEP § 2128. Accordingly, a level of public accessibility is required. MPEP § 2128.01. One example of accessibility is indexing and cataloging printed material. A date of publication, i.e., the date the printed matter was first accessible to the public, is also required. MPEP § 2128.02. While the date of publication may be shown through evidence of routine business practices *(Id.),* failure to provide sufficient evidence to prove the date of publication results in the disqualification of the printed matter as prior art.

Exhibit E appears to be an article in the October 1992 journal entitled "Interactive World." The only evidence of this is provided on the face of Exhibit E. Appellant has been unable to determine where to access "Interactive World," or what individuals had access to Exhibit E at any time prior to the filing date of this application, i.e., January 23, 1995. The PTO has the burden under § 103 to establish *a prima facie* case of obviousness. *In re Fritch, 972* F.2d 1260 (Fed. Cir. 1992); *In re Fine,* 837 F.2d 1071 (Fed. Cir. 1988). The PTO can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. *In re Fritch,* 972 F.2d 1260 (Fed. Cir. 1992); *In re Fine,* 837 F.2d 1071 (Fed. Cir. 1988). If the examiner fails to establish *a prima facie* case, the rejection is improper and will be overturned. *In re Rijckaert, 9* F.3d 1531 (Fed. Cir. 1993); *In re Lowry,* 32 F.3d 1579 (Fed.

Cir. 1994) ("If examination at the initial stage does not produce *a prima facie* case of unpatentability, then without more, the appellant is entitled to grant of the patent.")

A PTO rejection for obviousness is improper when there is nothing in the cited prior art references, either singularly or in combination, to suggest the desirability of the claimed subject matter. *In re Deminski,* 796 F.2d 436 (Fed. Cir. 1986). That the construction in a particular prior art reference would have resulted in the claimed combination had it followed the "common practice" of attaching certain parts does not show obviousness at the time of the invention, but rather reflects improper hindsight analysis and the reading into the art of the "**appellant's**" own teachings. Moreover, combination of one or more references requires a finding on the part of the PTO of a teaching or suggestion, i.e., motivation, to combine the references. *In re Fritch,* 972 F.2d 1260 (Fed. Cir. 1992); *In re Fine,* 837 F.2d 1071 (Fed. Cir. 1988); *In re Deminski,* 796 F.2d 436 (Fed. Cir. 1986). Failure to identify any motivation results in a failure to show *a prima facie* case of obviousness. *In re Rijckaert, 9* F.3d 1531 (Fed. Cir. 1993); *In re Lowry,* 32 F.3d 1579 (Fed. Cir. 1994); *In re Fritch,* 972 F.2d 1260 (Fed. Cir. 1992); *In re Fine,* 837 F.2d 1071 (Fed. Cir. 1988).

The PTO has the burden under § 103 to establish *a prima facie* case of obviousness. *In re Fritch, 972* F.2d 1260 (Fed. Cir. 1992); *In re Fine,* 837 F.2d 1071 (Fed. Cir. 1988). The PTO can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. *In re Fritch,* 972 F.2d 1260(Fed. Cir. 1992); *In re Fine,* 837 F.2d 1071 (Fed. Cir. 1988). If the examiner fails to establish *a prima facie* case, the rejection is improper and will be overturned. *In re Rijckaert, 9* F.3d 1531 (Fed. Cir. 1993); *In re Lowry,* 32

F.3d 1579 (Fed. Cir. 1994) ("If examination at the initial stage does not produce *a prima facie* case of unpatentability, then without more the applicant is entitled to grant of the patent.")

A representative of the appellant searched the catalogues of Rice University and the University of Houston, two of the largest library collections in the fourth largest city in the United States and was unable to locate any journal entitled "Interactive World." Results of the searches were provided to the examiner. Because no other evidence had been provided by any of the Protestors, or by the Examiner, that Exhibit E was indexed or cataloged such that it was accessible to the public, and Appellant had presented evidence that Exhibit E was not accessible to the public through Rice University or the University of Houston, Appellant submits that Exhibit E is not prior art that can be cited against the claims of this application. Assuming *arguendo* that Exhibit E is proper prior art, Exhibit E fails to disclose, teach or suggest linking the facsimile kiosk of Exhibit E with Internet. Exhibit E never discusses the Internet. Exhibit E is directed to a facsimile kiosk for sending and receiving facsimile transmissions. Exhibit E does suggest that the kiosk may be used to access "information databases," but only in the context of receiving facsimile transmissions from these databases. Exhibit E, page 2, column 2, paragraph 1, lines 3-7. Accordingly, Exhibit E lacks at least the limitation that the terminal includes "means for accessing the ***internet*** in claims 6-9. **(Emphasis added).**

"TouchFax provides the Ultimate in Place-based Interactivity" (Exhibit E) Further Analysis-

The examiner pointed out in an Office Action that Exhibit E discloses a public on-line, pay-as-you-use communications terminal (first page, fifth paragraph) comprising:

a central processing unit (386 processor, Exhibit E, second page, first column,

third paragraph, line 3)

a telephone access node (data port, Exhibit E, second page, first column,

third paragraph, line 3)

an internal modem (modem, Exhibit E, second page, first column,

third paragraph, line 11)

a video display monitor (touch sensitive monitor; Exhibit E, second page, first

column, first paragraph, lines 2-3 of the third paragraph)

a keyboard (full sized keyboard; Exhibit E, second page, first column,

third paragraph, line 4-5)

a credit card reader (Exhibit E, second page, first column,

Second paragraph, line 3); means for accessing *commercial on-line services* (**inserted by Examiner**) and allow for user interaction (via touchscreen and computer modem; Exhibit E, second page, second column, second paragraph).

A printer (high volume laser printer; Exhibit E, second page, first column,

third paragraph, line 4)

However; the article does not mention **anywhere** in the brochure that it is a **public on-line communications terminal capable of accessing the Internet as the examiner contends**. This was strictly a strained interpretation by the examiner. The following is the paragraph quote "verbatim" from the TouchFax Brochure:

"TouchFax hardware products include three models of public terminals used initially as pay-per-use fax machines. They can provide other service such as word processing and high quality copies in addition to its primary capability

of phone, fax and computer. Service products include personal fax boxes and information services which may be accessed by TouchFax public terminals and any private fax machines"

The paragraph cited above does not mention connectivity to the Internet. The article goes on to state the capabilities of each of the three terminals (page two, column one, paragraph 3). The following is the paragraph cited by the "examiner" for most of the rejections (verbatim).

"The TF750 is a free-standing kiosk with high resolution, 14 inch screen, touch screen monitor, 386 processor, high volume laser printer and data port. The TF 450 is a built in, wall-mounted unit that has an optional floor mount and offers data ports for modem and laptop connections on an optional basis. The TF 200 is a built-in , wall mounted unit that offers laser printer as an upgraded feature.

An analysis of the paragraph proves that these terminals do not access the Internet on a pay-as -you-use basis (or any basis). Furthermore, the only information services that the terminals offer is a database to GAG with a response delivered by FAX (Page two, column 2, paragraph 2, lines 4-10). The other services (special newsletter and information) listed in the article are only obtainable from a touch tone phone and from a home or office (Page two, column 2, paragraph 3 and 4).

The examiner cites the following in the office action as part of the rejection "a credit card reader (Exhibit E, second page, first column, second paragraph, line 3); means for accessing *commercial on-line services* and allow for user interaction (via touchscreen and computer modem; Exhibit E, second page, second column, second paragraph)."

The words **"means for accessing commercial on-line services"** has apparently been inserted by the "examiner". The Appellant protests the Examiners insertion, which modifies the capabilities of the terminals in the article.

Issue 3. B. -Touchfax brochure entitled "***Vision, Power, Versatility***" (Exhibit F, referenced in USPTO Office Action dated August 24, 1999). Provided at Appendix C.

Errors in the rejection.

Exhibit F is not proper prior art. No evidence has been provided by any of the Protestors or the Examiner as to where Exhibit F can be accessed by the public, or on what date Exhibit F became accessible to the public. Exhibit F may not have been disseminated to anyone outside of Protestor's organization at any time prior to January 23, 1995. Without sufficient evidence to prove (1) whether Exhibit F was ever accessible to the public; and (2) if it was accessible to the public, on what date was it accessible, Exhibit F can not be considered as prior art to the application. Assuming, *arguendo,* that Exhibit F is proper prior art, Exhibit F fails to disclose, teach or suggest software installed into the CPU to allow interface with the internet and credit card service centers. Exhibit F simply includes the word "software." Nothing else is discussed about the function(s) this software performs. Furthermore, nothing in Exhibit F discloses, teaches, suggests, or even hints, that the facsimile kiosk is interconnected with the internet . Accordingly, no person ordinarily skilled in the art would view Exhibit F as teaching to install software into the facsimile kiosk to interface with the internet as recited in claims 6-9.

Issue 3.C. - An article that was posted on the WWW, " ***Suggestions for Information Kiosk Systems using the World Wide Web***" by Rawn Shah,

Errors in the rejection:

Like Exhibit E & F **(issues 3A and 3 B above),** the Shah Article is also not proper prior art. Neither the Examiner nor the Protestors have provided any evidence that the Shah Article was accessible to a member of the public exercising reasonable diligence. As far as the appellant and his representatives could ascertain, the Shah Article was only located on the World Wide Web. There is no evidence that the Shah Article is indexed or catalogued in any library or other location accessible to the public. A person skilled in the art would have to know the name of the author, Rawn Shah, to have any chance of locating the article using a search engine on the World Wide Web, because the other key terms, e.g., kiosk and Internet, are too generic and would likely result in over 1000 hits. Knowledge of the author of an article, when searching for certain topics, is rarely, if ever, available to the searcher. Therefore, in view of the above remarks, the Shah Article is not prior art properly available to be cited as a basis for rejection claims 6-9 of the application.

Assuming, *arguendo,* that the Shah Article is proper prior art, the Shah Article does not teach the use of any software for interfacing with credit card service centers. There is no discussion anywhere in the Shah Article regarding how a user of the kiosks in the Shah Article would pay for the use of the kiosks. The Examiner erroneously; relies upon the statements at page 2, section entitled "Who will use these systems?" and page 5, lines 11-12, for the proposition that the users will pay for access to the Internet through commercial organizations which charge customers for access to specific services. The Shah article never discusses how the user pays for those services. Contrary to the Examiner's citation of pages 3 and 5 of the Shah Article, the commercial organizations' role with the kiosks is as an owner of the kiosk who charges users for the time display an advertisement. The Shah Article doe not discuss the commercial organizations as

providing any specific services, let alone charging for Internet access. Furthermore, nothing is disclosed in the Shah article regarding how these commercial organizations will be paid, let alone, the payment by credit card, at the physical location of the kiosk, utilizing software for interfacing with credit card service centers.

The Shah Article does not disclose or suggest that a credit card swipe device should be employed to charge a user for use of the terminal. The Shah Article does not discuss the use of a credit card swipe device. It does not specify accessing and interfacing with the Internet. Therefore, even the combination of the three references together do not disclose or suggest the use of a credit card swipe device to charge for the use of a terminal which provides access to the internet. Nor is there any suggestion to combine Exhibits E and F with the Shah Article to produce the claimed terminal. Exhibits E and F were directed to accessing certain standalone databases, not the Internet. In fact, Exhibits E and F were specifically directed to charging the user for use of the *service,* not for use of the *terminal.* Neither of these references contemplated the broader and more ingenious idea of allowing access to the Internet, and then charging the user for access to the *terminal.*

None of the references discloses or suggests charging users for terminal access. None of the references discloses or suggests the use of a credit card swipe device to access the Internet. There is no suggestion to combine Exhibits E and F (issues 3A and 3 B) with the Shah Article.

The following is additional information addressing "the shah" article and the Examiners "combining of prior art references". The appellant would like to point out that the article **does not pass the prior art test.** The article is dated 30 April 1994, but there is no mention of when it was posted on the WWW or the distribution of the article. Two critical factors in determining prior art applicability.

Nevertheless, the appellant feels that the examiner had a strained interpretation of the paper. **Substantially** modifying the references is not suggested by the references themselves, nor has the examiner presented a prima facie case to explain why someone skilled in the art would have made such changes to the prior art referenced. The appellant feels that the arguments provided above adequately address the rejections and that the appellant should granted allowance.

Issue 3.D. - D. European Patent EP 0486160 A2 (Touchfax), Multi-purpose Public Facsimile transmission terminal. The applicant would like to note that this was the **first occasion** that this prior art was provided to the applicant (USPTO Notification of Non-Compliance with Requirements of 37 CFR, dated July 13,2004).

Errors in the rejection:

European Patent EP 0486160 A2 (Touchfax) is prior art that can no be cited against the claims in the reissue. The following is an abstract of EP 0486160 A2: A multi-purpose public facsimile transmission terminal otherwise known as a public fax terminal, employs a stand alone kiosk with a touch activated computer display color monitor presentation, advising the user of the operational steps to take in the use of the machine. The user initiates operation by inserting a credit card in a card reader and following the instructions presented on the monitor. A scanner mounted in the kiosk reads a document to be faxed and stores the image in the memory of a computer. Faxed transmissions are received and sent over telephone lines by a fax modem in the computer. Copies of faxed documents are provided by a plain paper laser printer, which also has the capability of providing copies of any scanned documents or any documents in the computer memory. The computer memory presents video advertisements and has stored business and

message forms, which can be retrieved and used as desired. An interface connection open to the exterior of the terminal connects to a computer such as a laptop computer, provided by the user to download and fax information in the memory of the laptop computer. The terminal may also be used to retrieve documents from a remote data base system.

EP 0486160 A2 is the terminal discussed in Exhibit E (**Issue 3 A** above). EP 0486160 A2 fails to disclose, teach or suggest linking the facsimile kiosk with Internet. EP 0486160 A2 never discusses the Internet. EP 0486160 A2 is directed to a facsimile kiosk for sending and receiving facsimile transmissions. EP 0486160 A2 does suggest that the kiosk may be used to access " remote" information databases, but only in the context of receiving facsimile transmissions from these databases. Accordingly, EP 0486160 A2 lacks at least the limitation that the terminal includes "means for accessing the ***internet*** in claims 6-9. **(Emphasis added).**

Summary:

Claims 6-9 are patentable over all of the references cited by the Examiner. None of the references cited by the Examiner discloses, teaches or suggests a pay-as-you-use terminal providing access to the Internet as claimed by Appellant. The Examiner has found it necessary to combine **three** (four with the addition of EP 0486160 A2, which is the Touchfax terminal described in Exhibit E) **different references** to formulate this rejection but has entirely failed to identify any motivation to combine the combination of Exhibits E and F with Exhibit I. For that reason alone, the Examiner has failed to establish a *prima facie* case of obviousness of claims 6-9. Moreover, Appellant maintains his argument that none of Exhibits E, F, I or EP 0486160 A2 are proper prior art.

The appellant has provided at appendix E a statement (that was provided to the examiner) from the acting Director of Information Management, Fort Leonard Wood, Missouri, Mr. Greg Adank. In this statement, Mr. Adank has provided an independent analysis of the three items of prior art (Exhibits E, F and I. **EP 0486160 A2 was just made available to the appellant; but is the terminal described in Exhibit E)** as they relate to the Appellants specification and his conclusions. Mr. Adank has also provided a straight forward matrix in his analysis that crosswalks the elements of the Appellants claims and the prior art cited by the examiner. The appellant feels that the arguments provided above adequately address the rejections as they relate to exhibits E, F, I & EP 0486160 A2 and that the appellant should be granted allowance. None of the references discloses or suggests charging users for Internet access. None of the references discloses or suggests the use of a credit card swipe device to access the Internet. In addition, the appellant would also provide the following substantive information regarding the reissue application.

The reissue should be allowed because:

- **It provides an unexpected result.** The appellant's invention provides for an unexpected result. The results achieved by this invention are new (at the time of the original disclosure), unexpected, superior, unsuggested by any of the relied on prior art. Specifically point-of-sale terminal to access the Internet.
- **It was (is) a crowded art.** The appellant's application is in what can be considered to be *crowded art*. Therefore, a small step forward should be regarded as significant. The appellant reminds the commissioner that the time frame for the original disclosure was *January 23, 1995.*

- **The rejections are based upon unsuggested modification.** The prior art cited lacks any suggestion that the references should be modified in a manner required to meet the appellant's claims.
- **The rejections are based upon misunderstood reference(s).** The references do not teach what the examiner relies upon as supposedly teaching. Specifically point-of-sale terminal to access the Internet.
- **The rejections are based upon a strained interpretation.** The examiner has made a strained interpretation of the references that could only be made by hindsight. This was demonstrated by the examiner's refusal to take in to consideration the prior art reference cross walk matrix provided by Mr. Adank, an expert in the art (appendix E).
- **The application solves a different problem.** Appellant's invention solves a different problem than the references, and such different problem is recited in the claims. *In re Wright, 6 USPQ2d 1959 (1988)*
- **There has been no convincing reasoning.** The examiner has not presented a convincing line of reasoning as to why the claimed subject matter as a whole, including the differences over prior art, would have been obvious.
- **There has been unsuggested combination.** The prior art references do not contain any suggestion (express or implied) that they be combined, or that they be combined as the examiner suggests.
- **Modifications are necessary.** It would be necessary to make modifications, not taught in the prior art, in order to combine the references in the manner suggested by the examiner.

- **Multiplicity of references.** The fact that three (four) references must be combined to meet the invention is unequivocal evidence of unobviousness.

Appellant respectfully requests that the rejections be withdrawn and allowance be provided. The appellant has made a diligent effort to amend the application so that it is in an allowable state that defines a novel structure, unobvious because it produces new and unexpected results **at the time** of the application (**January 23, 1995)**

Sincerely,

Richard P. Mettke
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Reynoldsburg, OH 43068

Voice: 614-861-1847
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Appendices:

Appendix A- The Claims
Appendix B- Exhibit E, *TouchFax Provides the Ultimate in Place-based Interactivity*
Appendix C - Exhibit F, Touchfax brochure entitled "*Vision, Power, Versatility*
Appendix D- Exhibit I, *Kiosk Systems using the World Wide Web*" by Rawn Shah
Appendix E- Statement by Mr. Greg Adank, Subject Matter Expert, dated April 6,2002
Appendix F- European Patent Application EP 0486160 A2, Multi-purpose Public Facsimile transmission terminal

Appendix A-

THE CLAIMS

Claim Status:

Per the notification of non-compliance, dated March 17, 2005; the claims have been revised in accordance with the amendment filed April 17, 2000, in response to the non-final Office action mailed August 25, 1999; and the amendment filed December 11, 2001, in response to the non-final Office action mailed June 11, 2001, which have been entered. Claims 6 and 8 have been presented as they appear in the amendment filed April 17, 2000. Claims 7 and 9 have been presented as they appear in the amendment filed December 11, 2001.

The Claims:

Claim 6. A public on-line, pay-as-you-use communications terminal comprising [a housing, wherein the housing contains]:

a central processing unit (CPU);

a telephone access node;

an internal modem coupled to the CPU and telephone access node;

a video display monitor coupled to the CPU;

a keyboard for providing user interface coupled to the CPU;

a credit card reader swipe device coupled to the CPU for accepting payment by a user for use of the terminal;

means for accessing the Internet and allow for user interaction;

software installed into the CPU to allow interface with the Internet and credit card service centers; and

a printer coupled to the CPU.

Claim 7. The terminal of claim 6, wherein the means for accessing includes a keyboard which communicates with and controls a microprocessor.

Claim 8. The terminal in accordance with claim 6 also including [, within said housing,] program means for causing said printer to print a receipt or any other document available from a commercial on-line service.

Claim 9. The terminal of claim 6, wherein the terminal comprises a CPU, monitor, credit card reader swipe device, internal modem and printer.

TouchFax Provides The Ultimate In Place-Based Interactivity

By Allen Weiner, Editor

If you think of TouchFax Information Services, Inc., as a company that manufactures public fax machines, you have only part of the picture. In the rapidly growing arena of place-based media, TouchFax is creating products that will allow consumers the same sort of interactive capabilities as they will have with their home-based interactive appliances.

"We believe the information for the machine can be strategically designed for the location type so the type of services and the type of information that can be retrieved interactively on our terminals can be totally different from one machine to another," says John Massey, the machine's creator and chairman of the Lenexa, Kan., based company.

"We always will have a basic set of common services that are available on all machines," he adds. "But, particular machines will have unique sets of advertisements and promotions on them, as well as related services that relate to the type of people that frequent a particular type of location."

And locations are key to the TouchFax family of products. Massey believes they are best utilized in places where "a number of different types of users can interact with their desired and preferred telecommunications service." Airports, hotels, truck stops, apartment complexes and even supermarkets are ideal for these multifunctional, multimedia machines.

TouchFax hardware products include three models of public terminals used initially as pay-per-use fax machines. They also can provide other services such as word processing and high-quality copies in addition to its primary communication capability of phone, fax and computer. Service products include personal fax mailboxes and information services which may be accessed by TouchFax public terminals and any private fax machines.

The TF Series public terminals are location specific and are designed to meet the space in which they will reside. For example, a lower cost unit designed for lower traffic locations also has a smaller paper storage capacity and would require more frequent service calls if placed in a high traffic location.

All TouchFax terminals use proprietar

EXHIBIT F

Exhibit E

1

App B

software to create an easy-to-use visual control panel. This user interface to the machine is displayed on a touch-sensitive color video monitor which provides instructions to the user and on-screen buttons to operate the terminal functions.

Documents to be sent are scanned on a jam-proof flatbed scanning device which operates much like a standard copy machine. Payment for services is made by using credit card or other magnetic card such as a telephone calling card. The terminal provides a detailed printed receipt of the transaction for expense account record keeping.

"It's a system that will be deployed nationally and internationally that is designed to be a public terminal, as well as a service that goes into the home."

TouchFax's TF750 is a free-standing kiosk with a high-resolution, 14-inch color touchscreen monitor, 386 microprocessor, high-volume laser printer, full-size keyboard and data port for modem and laptop connections. The TF450 is a built-in, wall-mounted unit that has an optional floor mount and offers the data ports for modem and laptop connections on an optional basis. The TF200 is a built-in, wall-mounted unit that offers a laser printer as an upgraded feature.

TouchFax offers two service products which adds to its flexibility—a fax mailbox service and electronic library. The TouchFax Mailbox is a centrally managed electronic service capable of storing fax messages. Mailbox subscribers are given a personal phone number to allow fax messages to be sent to their mailboxes, stored in the mailbox and retrieved at any time. To retrieve stored messages, the subscriber calls his mailbox number, enters a Personal Identification Number, enters the fax destination number and the system forwards the stored fax messages as instructed.

The TouchFax Electronic Library is a collection of information products organized by category. These information products are made available by combining information databases and high-resolution fax printer output with the ease of remote telephone communications. Information products are available on TouchFax public terminals and from any private fax machine.

On a TouchFax public terminal, the touchscreen provides an interactive dialog between the consumer and the information provider. For example, a consumer can select OAG FlightFax to get up-to-the-minute flight information, seat availability and fares. The consumer is guided through a series of video screens requesting their specific flight schedule. The TouchFax public terminal then sends the information via computer modem to OAG's database an a one-page personalized report is delivered to the TouchFax terminal by facsimile.

To access the TouchFax Electronic Library from your home or office requires a touch-tone telephone. A user responds to a series of audio prompts and directs the document to his home or office fax machine. For example, consumers can define the content of an up-to-the-minute special interest newsletter compiled from the news resources of *USA Today*.

Users also can request details of forecasters weather conditions in their destination city, maps and directions to specific locations, as well as city guides with suggestions on where to dine and what to see. Other services are oriented specifically toward entertainment and include popular business book summaries, personalized cartoon fax messages and event schedules.

In essence, TouchFax provides the future interactive appliance user a similar service to what he will be able to access with his Interactive Video Data Service terminal, touchscreen telephone or interactive cable device. So, home or away, the consumer can be interactive.

"The TouchFax is designed to emulate exactly what a person will be able to use in their homes," says Massey. "It's a system that will be deployed nationally and internationally that is designed to be a public terminal, as well as a service that goes into the home." ■

of today and tomorrow.

POWER. . .

Every leader has a great mind. The "mind" of the TF700 is a powerful hardware/software system engineered to provide a comprehensive set of communication functions. TouchNet™ network management software collects usage and billing data, monitors equipment status and uploads documents, software and video screens. This enables operators to remotely manage thousands of TouchFax terminals from one location. The TF700 has the additional power to access other computer systems and enhanced fax services like our own InfoTouch™ electronic library.

VERSATILITY. . .

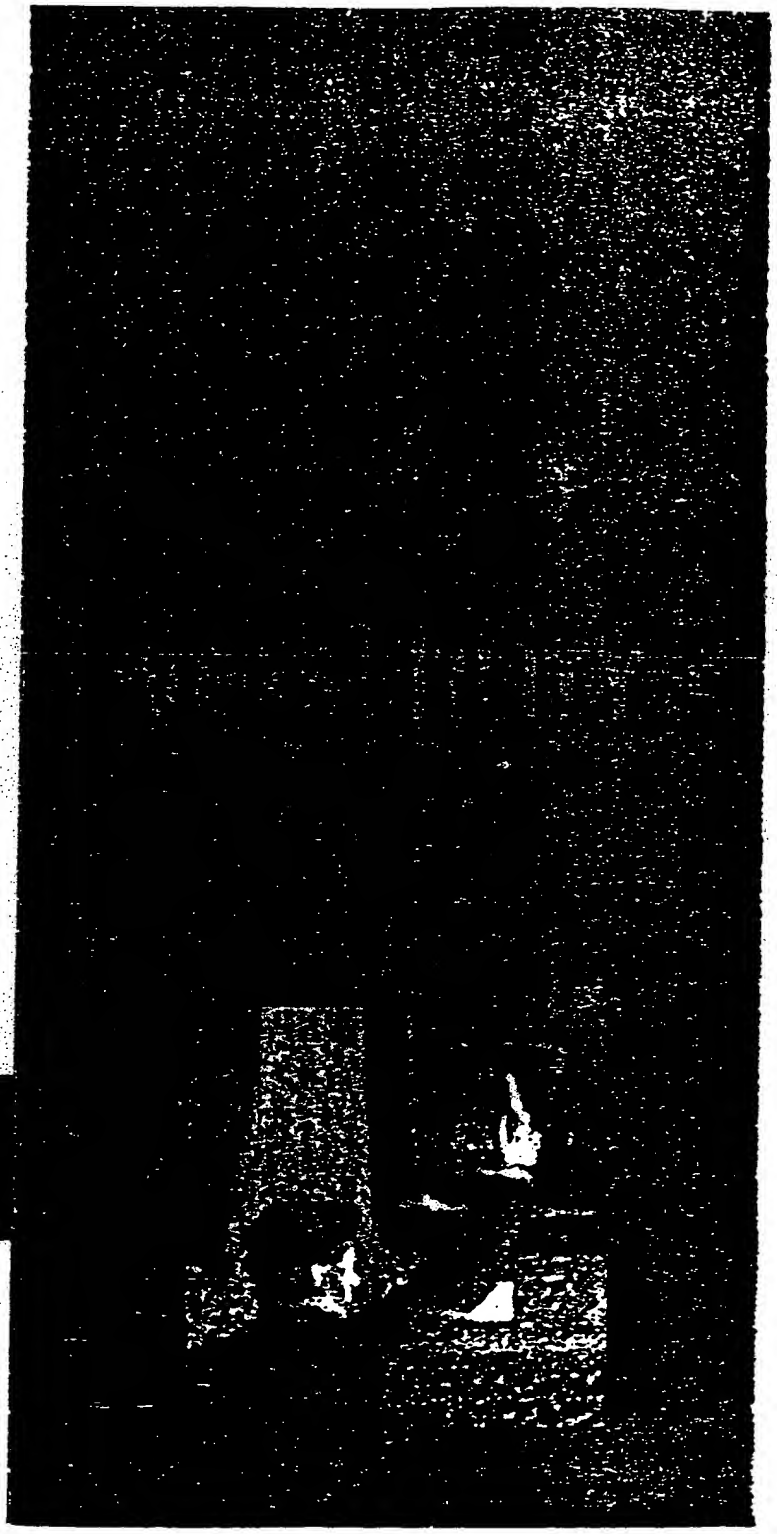
Leaders stay responsive to changing circumstances. The TF700 is a versatile platform that can adapt to take advantage of new technologies and opportunities, while meeting many present needs.

Public Fax has arrived.
The TF700 is the most complete solution to the needs of the rapidly growing public fax market. It provides high quality fax, jam-free operation and plain paper output in a convenient, self-service terminal.

Information Access is the key.
The TF700's self-instructing touchscreen interface encourages the general public to utilize the many information databases available.

Word Processing is a plus.
The full-sized keyboard offers the business traveler the perfect solution to composing and printing a letter or even personalizing a greeting card.

Video Advertising works.
The TF700's high-resolution color monitor provides a powerful medium to deliver advertising messages. In addition, each video ad screen can be linked to a printed coupon or sales literature that is instantly printed and delivered at the touch of a button.



TF

THE PUBLIC COMMUNICATIONS TERMINAL OF TOMORROW. . . FOR INDUSTRY LEADERS TODAY.

TouchFax INFORMATION SYSTEMS, INC.

15520 College Boulevard, Lenexa, Kansas 66219
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product of choice.

In the new TF700, TouchFax has combined precision engineering and powerful functionality to create the industry's most advanced personal communication center. At the touch of a few buttons, the new TF700 can put anyone in touch with the world through an extensive menu of essential services including:

telephone, send or receive a fax, photocopying, word processing and laser printing, and access to a growing network of information databases from Wall Street news to international sports scores.

Handset and Hookswitch *are AT&T quality, delivering high performance and durability.*

External Speaker *gives clear audio feedback of busy signals, fax tones, or voice prompts.*

Access Door *provides convenient access to internal components, extra paper and supplies.*

Ergonomically Designed Cabinet *with heavy-duty steel construction comes in a variety of finishes. Custom colors are available.*

14" Color TouchScreen Monitor *offers unrivaled ease of use and displays information and ads in sharp, brilliant colors.*

Credit Card Reader *accepts either credit cards, phone cards, and can be programmed to accept custom cards.*

Full-sized Keyboard *extends for computer database access or word processing, and retracts when not in use.*

Option Panel *allows addition of floppy disk drive, optical card reader, laptop or modem connections.*

300 DPI Flatbed Scanner *delivers high resolution with jam-free, photocopier-like operation.*

386 CPU *with 80 megabyte hard drive, proprietary control interface and integrated fax and data modem capabilities.*

300 DPI Laser Printer *offers crisp, high-resolution printing on plain paper and an optional 700 sheet paper tray.*

Compact Footprint *of just 24"W X 28"D lets the TF700 fit in almost anywhere.*

Touch

The Leader in Public Communications Systems

Now the information age is for everyone. The TF700 provides a friendly, touchscreen window to a universe of information available from on-line computer and fax information services. Never before has the public had easier access to such a wide range of printed information.

"not dated"

1

he World Wide Web

wn Shah
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D Systems & Networking, Inc.
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cson, Arizona, 85719
602 318 0696 [US]

e World Wide Web Information Kiosks Special Interest Group

April 1994

bstract

ormation kiosks provide users with access to community and local information in an easily derstandable format. They are designed to be used by the average user who has little or no experience th computer or information systems. Kiosk-based information systems are already available at a variety locations from airports to shopping malls to community information centers.

e World Wide Web has provided the Internet with an easy interface superceeding other access systems h its popularity and its capabilities. The Web naturally lends itself to a distributed kiosk-based ormation system although there are special requirements for such a system that current Web clients and vers do not provide.

this paper we examine the requirements that an information kiosk system based upon the World Wide eb must have before it can be widely accepted as a distributed information system for commercial and n-commercial needs.

ıtroduction

Kiosk-based Information system has many requirements to create the most user-friendly interface while intaining security and functionality. *User-friendliness* is the most important factor for a public access ormation system because of the nature of the majority of its customers as non-computer professionals. ıer factors that must also be considered for these systems are the functionality and security of the vers.

he Effectiveness of the World Wide Web as Kiosk-based formation System

e first question that should be asked is why one would use the World Wide Web as a design for a sk-based information system. We have identified the reasons why the Web is ideally suited for this lication:

- the Web has proven itself as a successful networked information system through its popularity on the Internet.

EXHIBIT
I

these capabilities already.

- the Web is part of the Internet. This allows users access to the many services on the Internet.
- the ability of the Web to access other programs and services allows programmers to extend the capabilities of the server.
- the Web is a widely accepted standard as opposed to proprietory commercial multimedia systems which holds promise for its growth and development.

Who will use these systems?

The next question asks who will actually implement and who will use these systems. There has been varied interest by commercial and non-commercial organizations in the World Wide Web. Currently there are several projects underway to develop a commercial version of popular Web browsers as well as commercial services for these browsers.

The following are some examples of who might implement such kiosk-based information systems:

- Commercial, educational and governmental organizations who need to provide in-house information systems about their products and services. For example, hotels, amusement parks, shopping malls, etc.
- Communities and organizations who want to install public access booths to provide community information at key locations within the community, such as community information networks, University campuses, Airport authorities, etc.
- Commercial Information Referral organizations who wish to provide a paid service through such kiosks.

The Access Interface

The Access Interface comprises both the programs as well as the computer hardware necessary for a kiosk-based information system. This includes the Web browser or client program, the output hardware (the visual display unit, a sound system, printing systems), the input hardware (touch-screen systems, keyboards, light-pens & stylus, keypads, etc.), the kiosk-local processing hardware (if any), kiosk-local cache or information storage (if any), and the network connection hardware.

The user interface or Web browser will be accessed by the average user who may have very little or no experience with computer system. The user interface for a kiosk-based information system should be:

- Easy to use controls. Controls for the kiosk system should be understandable and easy to handle.
- Easy to understand information display. The text or visual information should be easily readable and understood in content and form by the user.
- Access to contents should be as direct as possible. The user should have to go through as few steps as possible for to reach the information they require.
- Documents should be transferred in as short an access time as possible or present a failed message if the time to access the document is longer than a certain amount considered as t=infinity.
- The program interface should be able to return to a default home page automatically when left idle for an extended period of time.
- The physical unit should be reasonably secure to tampering or vandalism so as not to provide incorrect information.

- A minimal number of input devices so as not to confuse the user.
- Easy to use input devices such as a touch-screen or stylus based system
- The unit must be at an adequate height so that it is accessible by most people including handicapped users.
- The output devices should be easy to understand. Visual display output devices should be large enough to be read without difficulty by any type of user. A sound system should be clear enough to be understood but not loud enough to offend.
- Security against vandalism or theft of the kiosk should be maintained.
- A set of clear operating instructions for the booth must be displayed in some form on the physical unit of the booth to ensure proper usage.

- **User Interface Program**

  - Non-essential items such as buttons or menubars not directly related to the content of each page or not required for the correct usage of the system should not appear. Such items may also give a user access to secure or incomplete areas of the Webspace.
  - A common device such as a toolbar should always be present to provide users with a central control mechanism to the interface system. For example, users may wish to return to the home page or skip back to previously viewed pages. This device should be modifiable to the requirements of specific installations.
  - Support for internationalization and non-English languages and character sets.
  - The program should be able to keep track of the history of documents accessed by the user. It should be able to understand different usage sessions counting each session as one beginning from the home page. It should remove the history of access from previous sessions.
  - It may be able to display graphics and movies and play digitized sounds and voice overs.
  - It may be able to launch other programs to be presented upon the same output devices.
  - There should be a diagnostic mode for servicing the program or the kiosk-local system.

The Server

There are also suggested requirements for the Server program for these information kiosk systems. Commercial organizations will most likely have an invested interest in such information kiosk systems and may require that certain procedures should be followed by the servers for these systems.

Note that each kiosk may be a standalone system containing all the local information and with a link to the rest of the network. This would be a fast but costly system since the information requested the most often would be on local storage media. This may also be difficult to implement and maintain if there is a large amount of data. However, it will reduce the cost of the network link if a non-permanent circuit or dial-up connection is used.

Each kiosk may in turn be a client only system which access the information over the network link from a remote server and caches the information locally. To transfer the information from the server down to the kiosk may take some time but it saves cost and reduces the maintainence. This may be expensive if network connect time charges are expensive.

Functionality

The server should be able to access foreign databases which act as storehouses of raw data. The server should be able to locate these databases and the information within with the least amount of processing or translation.

The server should have good support for graphics and graphical enhancements. The concept of imagemaps are almost a must. Mapping between commands and images enhances the ease of use of system. Also useful would be a reverse of the imagemap concept where a user selects an item or enters a piece of text and its corresponding image is displayed.

Storage and Transfer

Since these kiosks may be located at remote sites, the problems of data storage, caching and transfer becomes important especially considering that the information has to presented in a rapid and predictable manner.

The problems of data storage are directly related to the actual implementation and hardware requirements of the system. Although no specific suggestions have been made as to the actual computer system required for a kiosk-based information system, the general trend is to use cheaper and cost-effective equipment to reduce the problems of theft, vandalism, or damage.

If the server and data is located locally, the kiosk would only require to use the network when accessing remote documents. The kiosk-local computer system would not require a very large cache area since the documents can be accessed very rapidly.

If the server is located remotely more considerations come into play. The server must be able to respond and transfer documents in a limited amount of time over the network link. Servers might also be able to offload requests to other similar servers when they are too busy to respond. This suggests a form of server to server communication and load-balancing which is currently *not* a part of the HTTP specification. The data may require to be replicated across several storage systems and duplicate servers on other computer systems may be necessary as a failsafe measure to ensure constant access.

Security

Security of the server depends upon the type of implementation of the kiosk, whether standalone or remote server based. However, certain common elements exist in both, such as physical access to the server's computer system. Access to the console of the server should only be allowed to secure personnel to ensure the safety of the information.

Network security is another issue. Access to the computer network that the servers are located on should be secure to reduce the chance of computer cracking or vandalism of the information. Since most servers run on common operating systems such as UNIX, VMS, etc., operating system security is also a crucial element in the safety of the information.

Data managers should decide upon a protocol for operator access, updating and maintainence of the information since it can affect the lives of many others.

Another form of access is dependent upon the content of the documents. A public system will not often

Control

Control involves the access to the server and kiosk system for diagnostic examinations and also modification of the information space. Control is tied in very closely with security.

Operators and Data Managers may wish to log access to documents for statistical analysis. Keeping accurate logs of document access can help administrators anticipate growth of the installation.

Each installation should be able to decide which URI's are accessible through their server. Some installations may decide that they do not wish to provide their kiosks with access to the "news" or "mailto" services.

Commercial organizations may also wish to charge customers for access to specific documents or services. The concept of registered users and billing may be built into the server.

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Mr. Richard P. Mettke

April 6, 2002

Reference: Patent Number: 5,602,905

Dear Mr. Mettke,

Upon complete review of your original patent application (8/376247) and patent number 5,602,905, reissue amendment filed on DEC 11,2001, and USPTO Office Action dated MAR 12, 2002 (Examiner Woo), I would submit to you the following observations as someone skilled in the art.

General Observations: The patent application articulates well a multitude of automation capabilities that one should considered "commonplace" in 1994. Typical home and business computers (Intel based 286/386 and other compatible class processors) were capable of performing all tasks and features described in your background description of prior art. Specifically, those systems were capable of sending and receiving faxes via internal or external modem, generating electronic documents and printing or faxing them to a remote terminal, communicate with on-line service providers (Prodigy, Compuserve, AOL), as well as be used to communicate on the Internet via Internet service provider (ISP). The ability to couple a credit card reading device to a computer terminal was also common place during this time as many point-of-sale devices (i.e. cash registers) were in fact systems built from the core components found inside a computer terminal.

Understanding and Interpretation: The most straightforward approach to building the terminal device described in your patent is to use and adapt operating systems, hardware, and software that was readily available. With commercial off the shelf (COTS) hardware and software available in 1994 and the details given in the referenced patent I submit the following comments with regard to the feasibility of building such a terminal device.

App E

1. The Microsoft Windows 3.1 operating system was released April, 1992 and was the most popular computer operating system on the market in 1994. Windows NT 3.1 was released August 1993. Either operating system could fully support the functionality needed to enable a computer terminal as described in your patent.
2. The ability to print information generated by or downloaded to the computer terminal is a common capability for such a device described in the patent. Operating systems identified in #1 above support a wide variety of laser quality printers, there is no particular challenge to make this feature work.
3. Given that the terminal device must communicate with on-line service providers, Internet service providers, and have the ability to send/receive faxes, it would be highly desirable to have a high-speed internal modem in the terminal. Such devices were readily available and could perform all communications tasks as defined in the patent.
4. Assuming that a Fax/Modem device is installed in the terminal I would point out that the software, which typically accompanies such devices, would fully enable the terminal to perform dial-up connections to on-line services, Internet services, and send/receive electronic faxes.
5. Microsoft Office was release in January 1990 and would provide an array of office automation capabilities on the terminal. Since your patent only identifies word processing I would select the Microsoft Word application, which was available as a separate software package, to provide word processing capabilities at the terminal device.
6. In order for the computer terminal to access on-line service providers (Prodigy, Compuserve, AOL) specialized software would be needed. It was, and still is, commonplace for such service providers to distribute dial-up software free of charge to customers that subscribe to their service. The computer terminal would need one copy of each on-line provider's access software package to properly communicate with their host network. In my experience it was commonplace for multiple on-line provider software packages to reside on a single computer terminal and would not present itself as a technical challenge to configure.

7. The computer terminal would also require specialized software to obtain network connectivity from an ISP. As described in your patent this capability would enable the terminal user to send and receive email and locate information available on the Internet. Windows 3.1 and NT 3.1, along with the Internet Explorer web browser (which is part of the operating system) has sufficient dial on demand capabilities to support the task of providing ISP based services.

Review of Figures: The functional operation of this proposed terminal device is clearly illustrated in figure 1. It illustrates relationships between the general telephone switching network, on-line service providers, Internet service provider, and the computer terminal device. It further illustrates the functional relationship between the terminal device and a credit card service provider. As figure 1 illustrates, the computer terminal device may require a single plain old telephone system (POTS) circuit to perform credit card validation, dial-up access to on-line and Internet services, and send/receive faxes.

Figure 2 illustrates a physical layout of the computer terminal and cubical or privacy booth that would contain the device(s) identified in figure 1. What is not apparent in either figure, but what I perceive is implied in the patent, is that a housing would be used to store the computer terminal, input/output apparatus, and credit card swiping device. It would be highly desirable to centralize such components in a single enclosure and limit access to the devices through a customer service opening in the front, and a lockable access panel to protect and secure components from tampering and/or theft. Such enclosures were readily available on the market and are frequently used in manufacturing plants, assembly line operations, and in other environments where delicate devices must be protect from damage due to impact, natural elements, and/or vandalism. The computer terminal as described in the patent would easily fit within a single housing and does not present itself as a technical challenge.

Evaluations of Exhibits: The following table identifies the features and capabilities listed in or implied within each of the exhibits and the Mettke patent. Upon close

evaluation it is my opinion that none of the three exhibits provide at least the same services as described in the patent or reissue application. The TouchFax exhibits clearly provide a customer with advanced fax, copier, word processing, and proprietary database access to selected information. However, that system does not provide access to existing on-line service providers (i.e. Prodigy, Compuserve, AOL), nor does it suggest that the TouchFax devices have the capacity to offer direct Internet access through an ISP.

The Shah article provides a framework for building information kiosk system using the World Wide Web as it's primary communication and information infrastructure. While it lists and recommends much of the same equipment identified in the patent it clearly does not mention nor imply that such kiosk devices should offer customers access to existing on-line service providers, or the Internet on a point-of-sale basis, or provide pay-per-use send/receive fax service. The Shah article makes no mention of a credit card swipe reader. The following matrix identifies the similarities and differences in capabilities as stated and implied within each exhibit, the patent, and reissue patent.

Feature	Exhibit E TouchFax	Exhibit F TouchFax	Exhibit I "Shaw" Article	Mettke Patent	Mettke Reissue Patent
Access to Internet services			x	x	x
Access to on-line Services				x	
Advertisements and promotions	x	x	x		
Credit Card Reader	x	x		x	x
Data Ports	x	x			
Electronic Library	x	x			
Fax Mail Box Service	x				
Flat Bed Scanner Device	x	x			
High Quality Copier	x	x			
Keyboard	x	x	x	x	x
Laser Printer		x	x	x	x
Light-pen, stylus, keypad			x		
Multi-language support			x		
Network Connection Hardware			x		
Pay-per-use	x	(implied)	x	x	x
Phone	x	x			
Printed Receipt	x			x	x
Remote System Management		x	x		
Send/Receive Fax Services	x	x		x	x
Sound system			x		
Touch Fax Information Service	x	x			
Touch Net		x			
Touch Screen Monitor	x	x	x	x	x
Web Browser			x	(implied)	(implied)
Word Processing	x	x		x	x
See Footnotes:	1,2	3	4	5	

1. Makes vague reference to providing "...related services that relate to the type of people that frequent a particular type of location"

2. Electronic library produces "fax" output only, and on topics made available via proprietary databases (I.e. OAG Flight Fax for flight information)

3. On the bottom of page two, right hand corner, a vague comment is made to the product providing access to "...a universe of information available from on-line computer and fax information services." The nature of this advertisement implies that the on-line services provided are those available through a proprietary library service that the fax device will interact with and produce output from.

4. Makes no mention of kiosks that can access existing on-line service providers or their information (I.e. Prodigy, Compuserve, AOL) or the Internet

5. On-line services are defined in the patent as commercial services such as Prodigy, Compuserve and AOL.

Conclusion: Having reviewing the referenced patent and three exhibits I have formed the following professional opinions:

1. Having read and understood information provided in patent 5,602,905 and the reissue amendment it is my firm belief that the pay-per-use fax service, ability to access on-line service providers, and ability to access information on the Internet via ISP is feasible and defined sufficiently enough as to allow someone skilled in the art to build and deploy such a device.
2. Exhibits E and F clearly communicate that their primary capabilities are to provide word processing, copier, and fax services to the patron. These devices have the ability to interact with and retrieve information from a proprietary database, but only to the extent that the service provider has anticipated the needs of their customers and pre-loaded the information as to make it available. These devices clearly lack the ability to communicate or interact with data stores generally found on the Internet through an ISP. Neither do TouchFax devices allow access to existing on-line services, such as Prodigy, Compuserve and AOL or the Internet.
3. The Shah article provides a framework for building information kiosk system using the World Wide Web as it's primary communication and information infrastructure, however it does not state nor imply such devices should offer access to existing on-line service providers, the Internet, or a send/receive fax service on a point-of-sale basis.

Personal Background and Credentials: I currently work for the United States Government in the capacity of Acting Directory, Information Management, at Fort Leonard Wood, Missouri 65473. Specific duties and technical skills include Network/System administrator of a 5000 node Campus Area Network composed of Windows and Unix based servers and desktop computers. Programmer, develops software applications using multiple high-level interpreted and compiled languages.

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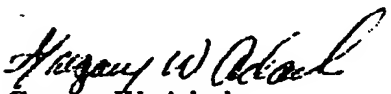

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(54) Multi-purpose public facsimile transmission terminal.

(57) A multi-purpose public facsimile transmission terminal otherwise known as a public fax terminal, employs a stand alone kiosk with a touch activated computer display color monitor presentation, advising the user of the operational steps to take in the use of the machine. The user initiates operation by inserting a credit card in a card reader and following the instructions presented on the monitor. A scanner mounted in the kiosk reads a document to be faxed and stores the image in the memory of a computer. Faxed transmissions are received and sent over telephone lines by a fax modem in the computer. Copies of faxed documents are provided by a plain paper laser printer, which also has the capability of providing copies of any scanned documents or any documents in the computer memory. The computer memory presents video advertisements and has stored business and message forms which can be retrieved and used as desired. An interface connection open to the exterior of the terminal connects to a computer such as a laptop computer, provided by the user to download and fax information in the memory of the laptop computer. The terminal may also be used to retrieve documents from a remote data base system.

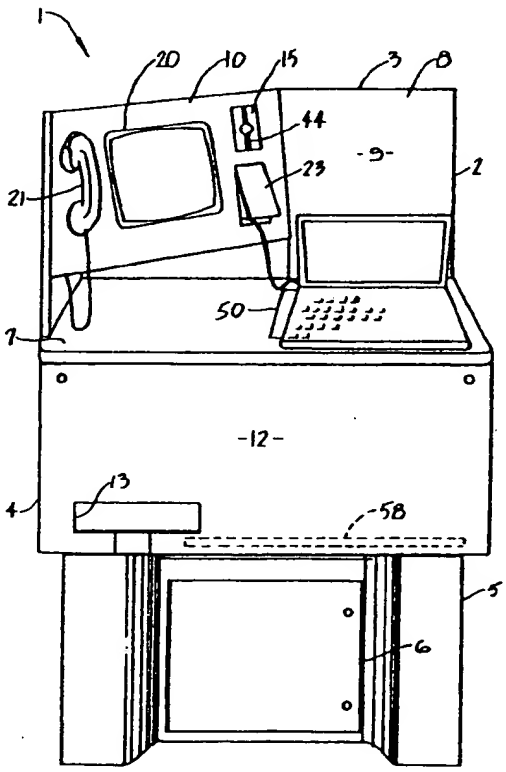

Fig. 1

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APP F

Field of the Invention

The present invention relates to facsimile transmission terminals and in particular to those terminals which use a means for payment and are public fax machines.

Background of the Invention

Facsimile machines are in common use in homes and offices and in businesses throughout the United States and industrialized world. For business people away from their office, facsimile transmission services are available through hotel or small business service centers, which use an ordinary fax machine and charge for the service. These machines require an attendant to enter telephone numbers into the fax machine, service it when necessary, and to collect payment from the customer for the service. While these public fax services are available on an operator assisted basis in many office supply stores and copy service businesses, a need exists for a public fax service available to the user at a credit card activated, free standing kiosk which would be located in airports, hotels, motels, office buildings, court houses, post offices and convenience stores or any place frequented by the general public and at which it is inconvenient or impractical to station an attendant.

Public fax machines have heretofore been known to the public which use a conventional office fax machine in an enclosed housing coupled with a pay telephone and credit card reader. These machines were difficult to use because of the complexity of the instructions and procedures. Additionally, they use thermal paper and a document sheet feeder which has a tendency to jam. While these occurrences can be easily remedied in an office, the public user does not or should not have access to the fax machine and jams take the terminal out of service until an attendant arrives to service the machine.

Objects of the Invention

The objects of the present invention are: to provide a public facsimile transmission terminal having a stand alone kiosk; to provide a public facsimile transmission terminal having a touch activated computer display color monitor presentation advising the user of the operational steps to take in the use of the terminal; to provide such a public facsimile transmission terminal which includes a credit card reader; to provide such a public facsimile transmission terminal which includes a flat bed scanner reading a document to be faxed and storing the image in the memory of a computer; to provide such a public facsimile transmission terminal which provides copies of faxed documents or copies of documents in general by a plain paper printer; to provide such a public facsimile transmission terminal which provides stored business and message forms; to provide such a public facsimile transmission terminal having an interface connection for a user's laptop computer download and fax information in the memory of the laptop computer; to provide such a terminal including a computer with memory to present video advertisements and stored business and message forms; to provide such a terminal which acts as part of a network to a remote information data bank; and to provide a public facsimile transmission terminal which is economical to manufacture, easy to use and suited for the intended purpose.

Other objects and advantages of this invention will become apparent from the following description taken in connection with the accompanying drawings, where are set forth, by way of illustration and example, certain embodiments of this invention.

Brief Description of the Drawings

Fig. 1 is a frontal perspective view of a public facsimile transmission terminal embodying the present invention.

Fig. 2 is a diagrammatic view showing the placement of the components within the public facsimile transmission terminal.

Fig. 3 is a circuit diagram showing the layout of a timer within the public facsimile transmission terminal.

Fig. 4 is a diagrammatic view of the interior of the public facsimile transmission terminal.

Figs. 5 through 14 are schematic views of a flow chart of the terminal computer software program.

Description of the Preferred Embodiment

As required, a detailed embodiment of the present invention is disclosed herein. However, it is to be understood that the disclosed embodiment is merely exemplary of the invention which may be embodied in various forms. Therefore, specific structural and functional details disclosed herein are not to be interpreted as limiting, but merely as a basis for the claims and as a representative basis for teaching one skilled in the art to variously employ the present invention in virtually any appropriately detailed structure.

Referring to the drawings in more detail: the reference numeral 1, Fig. 1 refers to a public facsimile transmission terminal which, in the illustrated example, is contained in a stand alone kiosk 2, having a top 3, opposite sides 4 and 5, a bottom door 6 for access to the interior of the kiosk 2 and an upper table 7. A backboard 8 contains a space 9 for placement of advertising or user information and an angled front panel 10 contains operative elements of the terminal 1 as set forth below. The angled panel 10 is spaced upwardly from the table 7 a short distance so that the full extent of the table 7 can be utilized. In addition to

the swing open door 6, the front panel 12 is also hinged for swinging access to the interior of the kiosk 2 and contains a chute 13 by which documents fed out by a printer located within the kiosk 2 as hereinafter described may be retrieved. Preferably, the kiosk 2 is formed of stainless steel or other durable material construction to withstand public use and abuse.

Within the kiosk 2 are the major components of the terminal 1 including a credit card reader 15 for enabling the function of the machine 1, a scanner 16 for scanning a document to be transmitted, a fax modem and data modem 17 for transmitting a scanned document and a computer 18 operably connected to the scanner 16 for storing and transmitting the image to be transmitted. The fax modem and data modem 17 is preferably positioned within the computer 18. A printer 19 is connected to the computer 18 for printing copies of incoming facsimile images and documents stored in the memory of the computer. A computer display screen 20 is mounted in the angled panel 10 so that it can be easily viewed by a user of the terminal 1. A telephone handset 21 is mounted on the angled panel 10 adjacent the computer display screen 20 for placing outgoing telephone calls and connecting the fax and data modem 17. A door 23 through the angled panel 10 conceals access to an interface connection into the computer 18.

In the illustrated example, Figs. 2 and 4, the terminal 1 includes a power inlet 25 routed through an on-off switch 26. A fan 27 is wired to the on position of the switch 26 for continuous operation and cooling. 110 volt AC power from the inlet 25 is routed through a power filter 29 as a surge protection. An incoming telephone line 31 is routed through the power filter 29 also for surge protection and ultimately wired to the telephone handset 21. The telephone handset 21 is connected via a telephone hook switch 32 to the fax and data modem 17 as hereinafter described.

Connected to the power filter 29 are the scanner 16, computer 18, the laser printer 19, and a power supply transformer 36. The power supply transformer 36 powers a parallel port printer switch 38 having outputs 39 to the laser printer 19, output 40 to a computer interface, and an output 41 to a parallel port computer interface input/output box 42.

In the illustrated example, the credit card reader 15 includes a slot 44 for placement and retrieval of a credit card. A multiwire harness 45 carries signals from the credit card reader 15 to the telephone hook switch 32, commport 1 of a serial parallel card 47 in the computer 18, and to the parallel port printer switch 38. Power to the credit card reader 15 is received from a power supply connecter 48 in the computer 18.

The scanner 16 is preferably a flat bed scanner which provides a 300 DPI half-tone grey scale image and in the illustrated example, is manufactured by Panasonic, Model RS505 or Umax, Model U-32. The scanner 16 is accessible through a hinge mounted upwardly rotatable scanner door panel 50. A scanner card 51, Fig. 4, in the computer 18 provides interface between the scanner 16 and the computer 18.

The fax and data modem 17 is also mounted within the computer 18 and is connected to its motherboard. The fax and data modem 17 includes a fax card 51 which is preferably of 9600 BPS modem-MH coding. A data modem card 54 is preferably Hayes compatible and provides a suitable transmission rate such as 2,400 baud. A jumper 55 connects the fax card 51 to the data modem card 54.

The printer 19 is preferably an IBM or a Hewlett-Packard laser jet printer, such as am IBM 4019 printer or a Hewlett-Packard Laserjet II printer which provides a high quality plain paper print of either incoming fax messages or documents printed from computer memory. The preferred printer is a 300 DPI printer for a high quality print resolution. The printer 19 is mounted on a slide out tray 58 mounted within the kiosk 2 so that as the door 12 is swung open, the printer 19 may be slid outwardly for ease of servicing. The discharge chute 13 opening through the door 12 is positioned so that documents exiting the printer 19 fall into the chute 13 and can be easily retrieved by a user of the terminal 1.

The exemplary computer 18 uses an Intel 286 processor chip and operates at 12 megahertz, 200 watts. It includes a 40 megabyte hard disk and is connected to the computer display screen 20. The monitor is a 14 inch VGA color monitor and requires either a video VGA card of 256 kilobytes of memory or 512 kilobytes of memory. The monitor 20 has a touch screen overlay controller which allows image areas of the display monitor 20 to be touched and activated as control buttons. The computer program displays images of button controls on the monitor that relate to the touch screen control zones which activate the functions of the computer. Either a resistive type or a capacitative type touch screen controller may be used which connect to an interface controller card that controls the computer 18.

The computer 18 also contains a printer video interface card 62 and a connection port J1 64 for connection to a service keyboard 65. The keyboard 65 is provided by a serviceperson involved in the programming of the computer 18 during installation and continued maintenance of the terminal 1, and is not otherwise necessary to the continued operation of the terminal.

Referring to Fig. 3, a watchdog timer 67 in the computer 18 functions generally as a circuit that when the program of the terminal 1 is running properly, the timer circuit is constantly pulsed with a signal from Chip U.555, Numeral 69, that prevents a resistor and diode circuit within the timer configuration from building a charge above a selected voltage value. If a charge above the nominal value is accumulated, the charge exceeds a threshold point and a diode dumps

a voltage across a transformer 70 that engages a relay 72 that initiates a hard reset of the entire computer 18. The circuit 67 allows for a resetting of the computer when a software lock up has occurred as a preventive device.

The computer program of the terminal 1 runs a promotional and instructional demonstration during non-use periods. The screen 20 continuously prompts a potential user to begin terminal use by touching the screen. Further instructions prompt the user to insert a credit card. The computer program then branches to a main program which displays self instructions on the screen and an initial main menu set of button options. Upon the activation of any button by touching the image on the screen, the program then branches to sub-routines that activate the function selected by the user. The program simultaneously displays the on-screen instructions and options necessary to move the user through the use sequence. The program automatically engages selected hardware and software routines such as dialing a number or scanning and printing a document to fulfill the function selected.

During the use of the terminal 1, video advertisements are displayed during wait periods and at the end of the session, a detailed receipt is printed, including on-line time.

In general, the computer operating program provides a charge by selection, such as fax services, a charge by time used, a charge by the number of pages sent or received, and a charge for class of telephone calls, whether local, long distance or international. A "send a fax" option presented by the computer permits the user to select the quality of the fax transmission, whether normal, fine or photographic, the size of the print, whether legal or letter size, or asks the terminal to print a cover page. The user is then asked to scan all pages and enters up to eight fax destinations. As the fax is being sent, the computer notifies the user that the system is dialing, that a connection has been made, and that the fax is being sent. The screen also displays the number of pages to send and the number of pages sent. If the transmission is not successful, the system will display that there was an error in transmission. The system will then ask the user to "try sending the fax again" or "cancel fax - no charge." If the user requests "Receive a Fax", the system will automatically set up to receive a fax.

If the sender calls at that time, the fax will be received. The user will also be allowed to make a call and tell the sending party to send the fax to the location's phone number. All faxes are printed to the laser printer and scaled to 8-1/2 X 11 inch paper.

If the user requests "Make a Phone Call", the user will be allowed to dial using an on-screen keypad. The user is able to change the number before the system dials. Once the number is dialed, the user is able to produce a dial tone message format signal by pressing the keypad. When finished, the user or she would like to use another s another phone call or quit.

If the user requests "Make a Copy", be allowed either "Quality - Fine or Ph "Size - 8 1/2 X 11 or 8-1/2 X 14." Th asked to scan each page and print up to ten copies. All copies are printed to the laser printer 19 and scaled to 8-1/2 X 11 inches. If the user selects "Laptop PC Connection", the system instructs the user to lift the door 23, connect the laptop cable to the parallel port 42 and print using HP LaserJet or appropriate emulation.

If the user selects "Fax Greeting Cards", the system will display a list of cards. When the user selects the card, the system will display the image and ask the user if he or she would like to have it printed.

If the user selects "Fax Business Forms", the system will display a list of forms. When the user selects the form, the system will display the image and ask the user if he or she would like to have it printed.

If the user selects "On-Screen Word Processing", the system will display a keyboard on the lower half of the screen and a blank page in the upper half. The user can type on the keyboard as he or she would use a typewriter and then print it when it is completed. The page is printed with one inch margins.

An "Electronic Library" function displays menus for accessing various remote information sources and service applications available via data communication lines. The program may be tailored to specific databases with programmed touch buttons and associated pathways.

Internet? Data bases are not Internet

When the user quits, the program prepares a bill indicating all charges, time used and credit card information. Charges are calculated based on the setup file. In addition, two files are created. The activity file accumulates and details each of the following items: perpetual clock time, perpetual clock data in 24 hour time, unit location, phone number fax sent to, phone number fax received from, number of pages transmitted, number of pages received, delivery status of each transaction, total amount billed to customer for transaction, major credit card provided for payment, full card account number, card expiration date. The billing file accumulates the account number, expiration date, total amount of transaction, current time and current date.

The program also includes a diagnostic routine. At a designated time, the program takes the terminal out of service and displays this status and the time left to be out of service on the screen. This designation is configured in a setup file.

The system tests each available component and reports any failures via modem to a designated monitoring location. The system tests the following components: display status, hard disk available space, printer status, scanner on-line, fax card to component

level, paper supply remaining, toner supply remaining, and modem status. All failures are logged in a file called ALPRINT.

When the program completes the diagnostic testing, it sets itself to auto-answer a remote host computer for billing transfer. Once the connection is made, the system will ask for a password. If the password is correct, the system will hang up and call the host computer back.

The program includes a set up file in which the following information may be configured: location information, CSID information, billing information, send a Fax variables which include delayed sending time and retry times, and diagnostic options including time to shut down. This information is configured from a simple menu.

The program is preferably written in an MS-DOS operating environment and uses Turbo-Pascal, C, and Assembler languages.

Referring in detail to Figs. 5-14, the software program flow charts, the terminal 1 runs a full motion demonstration program during all non-use periods. The screen prompts a potential user to begin using the machine by simply touching the screen. The flow chart, Fig. 6, begins with a start button at the top of the chart representing that starting point when the screen is touched and activated. The next screen that is shown, the "select service screen", is a main menu screen. The program flow branches down to the selections on the main menu which represent six different applications. Those are: "send a fax", "receive a fax", "make a copy", "phone call", "900 audio services" and "additional services." Upon selecting one of the main menu buttons, the program would step forward into a specific set of procedures necessary to complete that function. After pressing for example, "send a fax", the screen shows four easy steps to send a fax. These are examples of the four steps that would follow, giving the user a simple overview to assist his or her instruction.

The next screen in this sequence will have a "continue" button on it allowing the user to move forward in the program quickly. The next screen, Fig. 7, shows the charges relating to sending a fax, again, a "continue" button can move the user faster through the program. At the next screen, the user is asked to make a selection of one of two buttons. One button would indicate the standard settings and be shown as one color button, for example green, and a second button, such as a gold button, would represent change settings. If the user selects "change settings", the other screen appears, allowing the user to select the paper size. The options are letter size, 8-1/2 X 11, or a second button, representing legal size, 8-1/2 X 14 inches. After making a size selection, the screen changes and a selection of transmission quality would be displayed by three buttons, a first color button representing normal, a second color button representing fine detail, and another second color button representing photographs or half-tone images. Once a transmission quality selection is made, the screen changes to the next prompt. This prompt, Fig. 7, asks the user if he or she would like to print out a cover page or to not print a cover page. If the "print cover page" button is selected, a screen appears that gives the user information that the cover page is printing. Also at that time, a video advertisement is shown on the portion of the screen. The following screen would be shown that the cover page is completed and would give the user instructions to fill out the cover page and when finished, press a "continue" button.

The next screen, Fig. 8, after the "continue" button has been pressed, presents instructions to scan a document and includes a button image that would initiate or start scanning the document. The screen displays specific instructions, indicating to the user to lift the scanner door, place a page face down at the red corner, close the scanner door and start scanning the document. The screen then shows a progress bar showing the scanning of the document, 0 to 100%. At the end of the scanning of the document, an option is available for the user to scan another page or all pages are scanned. If "scan another page" is selected, the process of scanning a document is repeated as indicated. If "all pages scanned" has been pressed, another screen comes up indicating a number dial keypad and prompts the user to enter the recipient's fax phone number on the keypad. After the number is entered, there are two button options. If a mistake has been made, a button for changing the number appears or a button appears for dialing the number. If dial number is pressed, a screen prompting the user to insert his credit card at that time is presented. The card is inserted and if successful, the documents will then be faxed out. If the card is not successful, it will allow additional opportunities for the user to insert the card through a loop process.

When the faxed documents are dialed and sent out, if the documents are successfully transmitted, a screen will be shown that successful transmission was completed. If the documents were not successfully transmitted, an options screen appears indicating that the faxed documents cannot be delivered, allowing the user the option to retry, change number, delay, transmit or cancel the transmission. At the end of the attempt or completion of sending the fax, the user would get this confirmation of delivery. Referring to Fig. 9, after confirmation of delivery, the user views a screen that indicates that the service is finished and the user has the option of quitting at that point or selecting more services. If the "quit" button is selected, the terminal 1 will print a receipt. It will also indicate on the screen the progress of the receipt printing, while showing a video advertisement. When the receipt was completed, it prompts the user to remove the receipt from the paper tray and to remove the

documents on the scanner. At the end of the session, the screen displays a message of appreciation and returns to the standard default mode for its non-use period.

Fig. 10 illustrates the option at the main menu to receive a fax. A screen will appear showing the four easy steps to receive a fax. The user is also given the option to press the "continue" button to continue on faster to the next screen, but displays the charges for receiving a fax. There also is a continue button where the user has the option to continue faster to the next screen which gives the instructions to receive a fax. On that screen is also a continue button that the user may press to continue faster to the next screen, that allows him or her to enter a number to notify the sending party of the fax. On that screen is a keypad where the user presses the number he or she desires to enter. The screen also displays two buttons, "change number" and "number correct". The user elects the option of changing the number. The user can reenter the number on the keypad or if the user chooses the option of "number correct", the program continues to the next screen where the user is instructed to insert and remove a credit card. If the credit card inserted is of the correct type and inserted properly, the program dials the sending party and enables the user to talk to the sender and tell him or her of the telephone number at the terminal 1 to which the sender should transmit a fax. Upon hang up and completion of the call, the screen displays "waiting to receive a fax" with a countdown timer. On this screen is a video advertisement in the upper 2/3 of the screen. In the lower portion, 1/3 portion of the screen has a remaining time countdown for automatic reception. The time starts at five minutes and counts down to zero. Another screen appears to indicate that the terminal 1 is receiving a fax and counts the number of pages received while receiving them. When the transmission is complete, it provides a notice that it is printing the pages of the fax received. When it has finished printing all the pages, the display continues to the next screen to instruct the user to remove the documents from the paper tray. If no fax is received during the five minute wait period, a message indicates that the fax has not been received and a "press the continue" button in instructed. The display shows the service is complete and the option is given to quit or select more services. If the user selects the quit option, the receipt is printed and an instruction issued to remove the receipt. The user is instructed to remove the original document from the scanner and a screen is then presented that provides an appreciative greeting and the display may continue.

If the user has elected to choose "Make a copy" from the main menu, a screen is presented that describes four easy steps to make a copy. This screen has a "continue" button that allows the user to go online faster than the normal time value of thirty seconds to the next screen. The next screen has pricing for this service on making a copy, which also has a "continue" button which allows the user to continue faster. The next screen gives the user instructions to make a copy and also includes a continue button. The next display prompts the user for "use standard settings" or "change settings". If the user elects to change settings, he or she is prompted for the original document size. If the original is letter size, the option is elected by pressing the "letter" button. The other option is "legal." After the user chooses the original document size, a prompt is presented to select photocopy quality. This quality can either be detail or photographic. After the user has completed changing settings or using the standard settings, a prompt is displayed to enter the number of copies desired for that one document page. After the choice of the number of copies, an instruction is given to press the "start copy" button. The next screen appears and instructs the user to insert and remove a credit card. On successful acceptance of the credit card, the unit starts the document copying process. The user is instructed that the document is being copied by the scanner and prints out the document through the printer. After the pages are printed, a prompt asks if the user would like to copy more pages. If the option of copying more pages is chosen, the program goes to the beginning of the loop to the screen which instructs on how to make a copy. Otherwise, if the user pressed "all pages are copied" the sequence goes to the "finish service" block.

If the user selects "phone call" from the main menu, a prompt appears with the phone call charges, including the continue button. If "continue" is pressed, the unit times out to the next screen to an instruction to insert and remove a credit card. Upon successful completion and acceptance of the credit card, the user is instructed to lift handset to begin the phone call. After pressing the "continue" button on a "lift handset to begin call", the user is prompted with a keypad to enter the phone number. When entering the number, an option is given of changing the number by entering "number correct", at which time another screen appears with a keypad without the option of changing the number or the "number is correct." When that keypad appears on the next screen, the unit automatically dials the number and the user is prompted with the button that states that the call is done. When the user presses that button, it continues to the "finish service" block.

If the user elects to choose a 900 telephone number audio service from the main menu, an instruction is given with the pricing for this service and the "continue" button appears. The next screen prompts the 900 audio service of choice. Examples of these 900 audio services are a daily horoscope, the latest sports news and scores, weather report for 25 national cities, stock market news and quotes, lottery updates or

soap opera update. After selecting one of the examples, the user is given instructions for use of the 900 audio service with the continue button or the option to return to the main menu. If "continue" is selected, an instruction is given to insert and remove a credit card, and upon successful completion and acceptance of the credit card, instruction is given to "lift handset to begin call" and a prompt made to press the "continue" button. Upon "continue", the display changes to the keypad screen and automatically dials the 900 audio service number. On the keypad screen, the user is given the option of entering additional letters, such as the first three letters of a zodiac sign. After the user has finished this service, he or she is prompted with the button labeled "Done with phone call." Upon pressing that button, the display continues with the "finish service" option. Of course, the main menu may be modified to present different functions.

If the user elects to use additional services from the main menu, the display continues to another menu that may have various services depending upon programming entered by the terminal supplier. These additional services include greetings and business forms. For example, the user is prompted to select a service providing faxed greeting cards or faxed business forms. After selection of one of the services, in this example, faxed greeting cards, the user is shown charges for this service with a continue button displayed. Upon pressing the "continue" button, the program displays various greeting cards for selection, including, for example, "Happy Birthday", "Thank you", "Urgent Memo", "Congratulations", "Happy Anniversary", "Missing You" or "We did it ! " The user may also elect the additional card option. Upon selection of the card that the user would like to print out, instruction is given to remove the credit card. Upon successful completion of processing and acceptance of the credit card information, the document is printed and the user is prompted with a fax option. If the user selects "Yes, I want to fax the document", the display branches to "Send a fax". If the user elects "No, do not want to fax a document", a "finish service" option appears.

During the entire presentation of the software display sequence, the user has the option of electing one of the three main function buttons. The first of these three buttons, such as located on the bottom left hand side of the display, allows the terminal to be connected with a remote operator who provides additional information about a service or how to use the unit. A center function button allows the user to back up through the program. A right function button allows the user to cancel a transaction without further charges. The program also includes a time out function whereby if the screen is not touched for sixty seconds, another screen will appear with information that the unit has been inactive for sixty seconds and thirty seconds remain in which to press a "continue" button. If "continue" is selected, the program returns to the previous screen. If "continue" is not selected, the program makes a log of the transaction on the computer hard drive, does not print a receipt and returns to the a demonstration sequence on the display screen.

It is to be understood that while certain forms of this invention have been illustrated and described, the invention is not limited thereto, except insofar as such limitations are included in the following claims.

Claims

1. A public facsimile transmission device comprising:
   a) reader means for reading a credit card and enabling the functions of said device;
   b) a touch activated display screen for initiating and controlling functions of said device;
   c) flat bed scanner means for scanning a document to be copied and to be transmitted;
   d) modem means for transmitting a scanned document; and
   e) power and control means for operation of said reader means, screen, scanner means and modem means.

2. A public facsimile transmission device comprising:
   a) a housing unit;
   b) a credit card reader for enabling the functions of said transmission device;
   c) a flat bed scanner for scanning a document to be transmitted;
   d) a fax modem for transmitting a scanned document;
   e) a computer operably connected to said scanner and said fax modem for storing and transmitting an image to be transmitted;
   f) a printer for printing copies of incoming facsimile images;
   g) a touch activated computer display screen for initiating and controlling functions of said device; and
   h) an interface connection open to the exterior of said housing unit for connection of a user supplied computer with said computer in said housing unit.

3. A public facsimile transmission device comprising:
   a) a stand alone kiosk;
   b) a credit card reader open to an exterior of said kiosk for receiving and reading a use's credit card and enabling the functions of said transmission device;
   c) a touch activated computer display screen comprising a color monitor and control buttons

associated therewith for initiating and controlling functions of said device;
d) a scanner mounted in said kiosk for scanning a document to be transmitted, said scanner communicating with a scanner panel opening to the exterior of said kiosk;
e) a computer mounted within said kiosk and operably connected to said credit card reader, said display screen and said scanner to receive and store a scanned document;
f) a fax modem within said kiosk connected to said computer and operably connected to a telephone line for transmitting a scanned document;
g) a plain paper laser printer connected to said computer for printing copies of incoming and outgoing facsimile images; and
h) an interface connection open to the exterior of said kiosk for connection of a user supplied computer with said computer is said kiosk.

4. A public facsimile transmission and copy terminal comprising:
a) a housing unit;
b) a credit card reader for enabling the functions of said terminal;
c) a scanner for scanning a document to be transmitted;
d) a fax modem for transmitting a scanned document;
e) a computer operably connected to said scanner and said fax modem for storing and transmitting an image to be transmitted;
f) a printer for printing copies of incoming facsimile images; and
g) a touch activated computer monitor for initiating and controlling functions of said device.

5. The terminal set forth in claim 4, wherein:
a) said computer contains a programmable memory for receiving facsimile images.

6. The terminal set forth in claim 5 wherein:
a) said computer memory contains non-facsimile image documents for selection by a terminal user and print-out on said printer.

7. The terminal set forth in claim 4, 5 or 6, wherein:
a) said printer is a plain paper printer and prints incoming facsimile images on plain paper.

8. A public fax terminal and network comprising:
a) a housing unit;
b) a credit card reader enabling the functions of said terminal;
c) a scanner for scanning a document to be transmitted;
d) a fax and data modem for transmitting a scanned document;
e) a computer operably connected to said scanner and said fax and data modem for storing and transmitting an image to be transmitted;
f) a printer for printing copies of incoming fax images and for printing copies of documents from said scanner;
g) a touch activated overlay and monitor for touch initiating and controlling functions of said terminal;
h) said computer having a memory containing a selection of pre-stored documents for selection and use in said terminal; and
i) a remote computer accessible by said fax and data modem and having in its memory a selection of user services for said terminal.

9. A method of utilizing a public computer terminal comprising the steps of:
a) touching a touch sensitive screen of a computer monitor;
b) selecting from among an array of options one or more of the following:
i) faxing a document; or
ii) receiving a faxed document and accomplishing the selection; and
c) paying for the use of said public computer terminal by the presentation of a credit card to a credit card reader.

10. The method set forth in Claim 9 wherein said array of options includes:
a) copying a document supplied by the user of said terminal, retrieving a business form from the memory of said computer, and retrieving information from a remote central data bank networked with said public computer terminal.

Data bank is not Internet

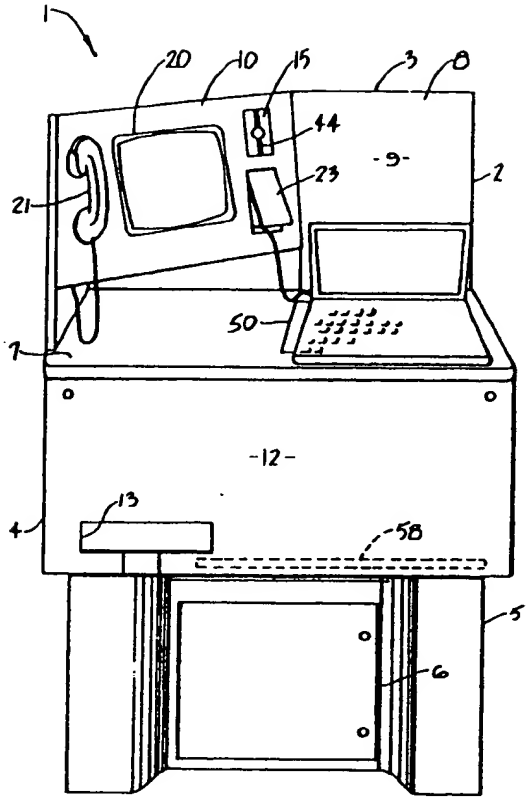


Fig. 1

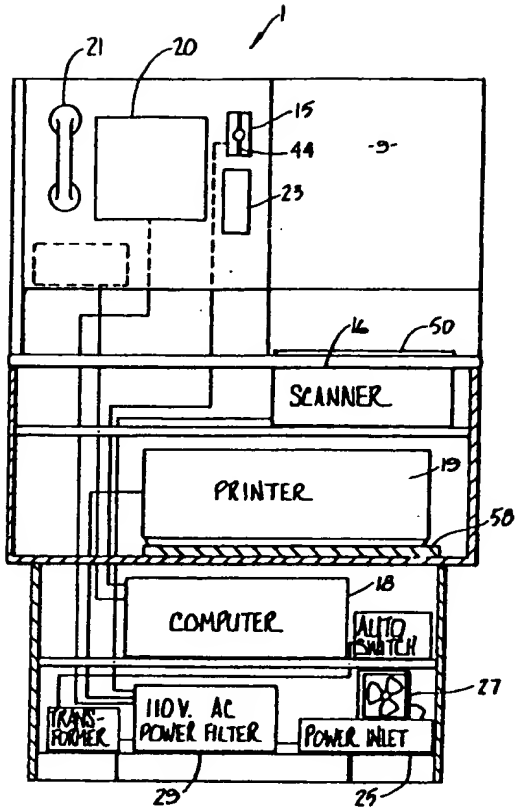
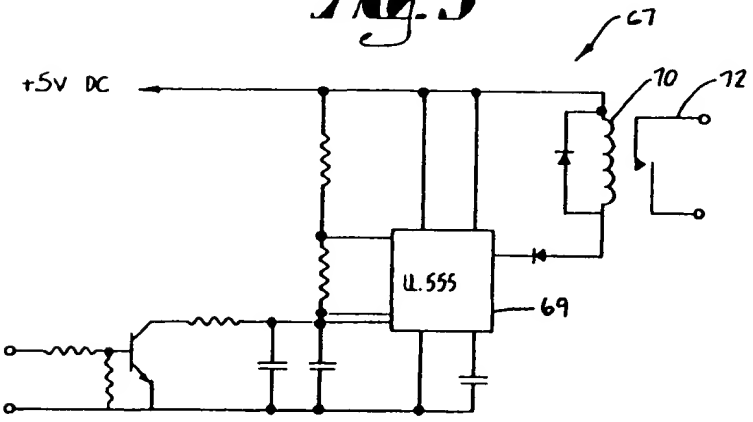


Fig. 2

Fig. 3



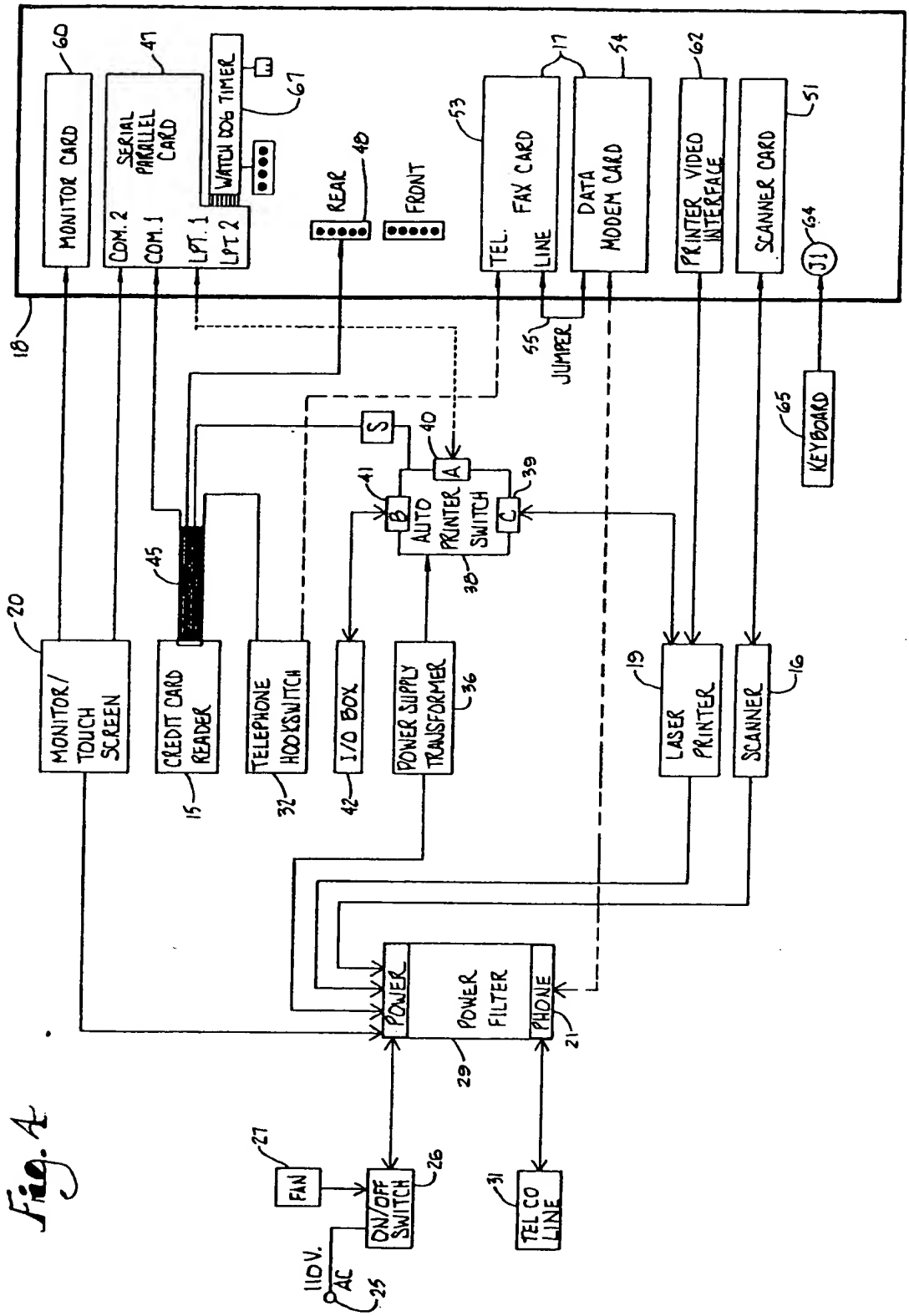

MONITOR CARD
60
SERIAL PARALLEL CARD
47
COM. 2
COM. 1
LPT. 1
LPT 2
WATCH DOG TIMER
67
REAR
40
FRONT
53
TEL. FAX CARD
17
LINE
DATA MODEM CARD
54
PRINTER VIDEO INTERFACE
62
SCANNER CARD
51
J1
64
18
55
JUMPER
KEYBOARD
65
S
A
B
C
41
39
AUTO PRINTER SWITCH
38
45
20
MONITOR / TOUCH SCREEN
CREDIT CARD READER
15
TELEPHONE HOOKSWITCH
32
I/O BOX
42
POWER SUPPLY TRANSFORMER
36
19
LASER PRINTER
SCANNER
16
POWER
POWER FILTER
PHONE
29
21
27
FAN
ON/OFF SWITCH
26
31
TEL CO LINE
110V. AC
25

Fig. 4

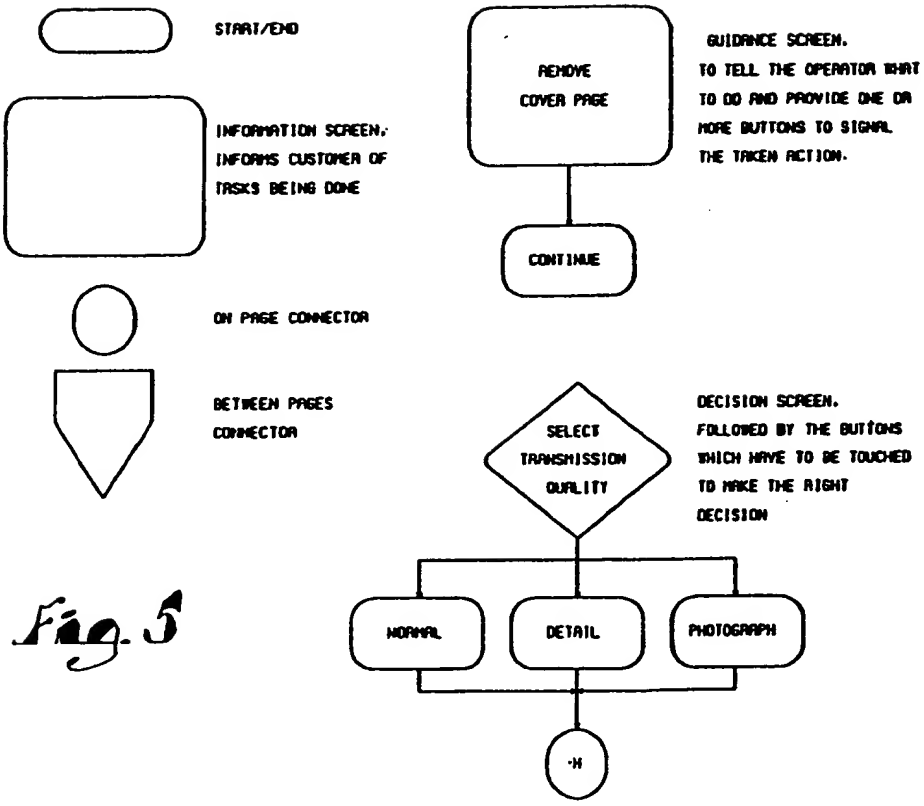

START/END
INFORMATION SCREEN.
INFORMS CUSTOMER OF
TASKS BEING DONE
ON PAGE CONNECTOR
BETWEEN PAGES
CONNECTOR
REMOVE
COVER PAGE
CONTINUE
GUIDANCE SCREEN.
TO TELL THE OPERATOR WHAT
TO DO AND PROVIDE ONE OR
MORE BUTTONS TO SIGNAL
THE TAKEN ACTION.
SELECT
TRANSMISSION
QUALITY
DECISION SCREEN.
FOLLOWED BY THE BUTTONS
WHICH HAVE TO BE TOUCHED
TO MAKE THE RIGHT
DECISION
NORMAL
DETAIL
PHOTOGRAPH
H

Fig. 5

Fig. 6

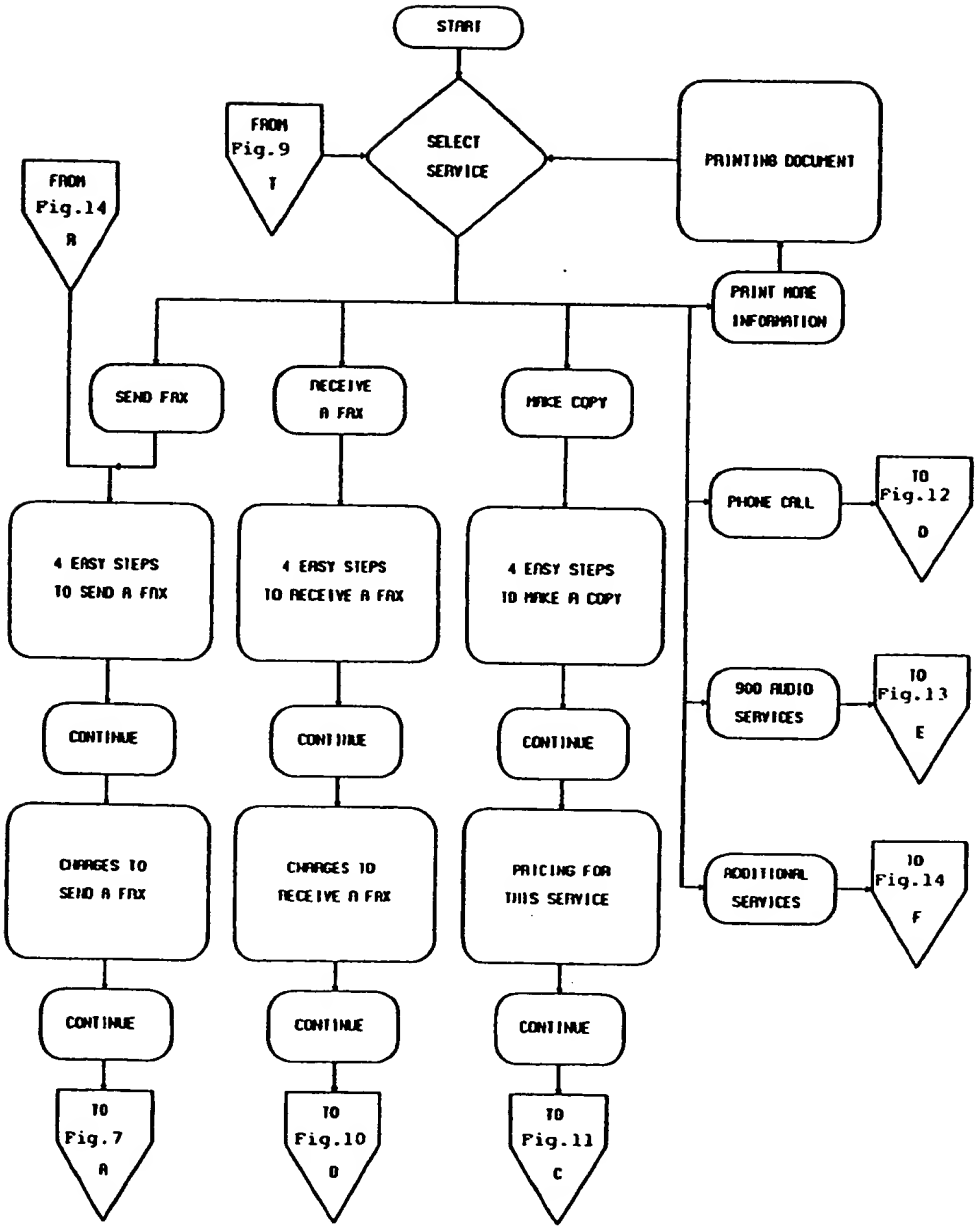

START
FROM Pig.9 T
SELECT SERVICE
PRINTING DOCUMENT
FROM Pig.14 A
PRINT MORE INFORMATION
SEND FAX
RECEIVE A FAX
MAKE COPY
PHONE CALL
TO Fig.12 D
4 EASY STEPS TO SEND A FAX
4 EASY STEPS TO RECEIVE A FAX
4 EASY STEPS TO MAKE A COPY
900 AUDIO SERVICES
TO Fig.13 E
CONTINUE
CONTINUE
CONTINUE
CHARGES TO SEND A FAX
CHARGES TO RECEIVE A FAX
PRICING FOR THIS SERVICE
ADDITIONAL SERVICES
TO Fig.14 F
CONTINUE
CONTINUE
CONTINUE
TO Fig.7 A
TO Fig.10 B
TO Fig.11 C

Fig. 7

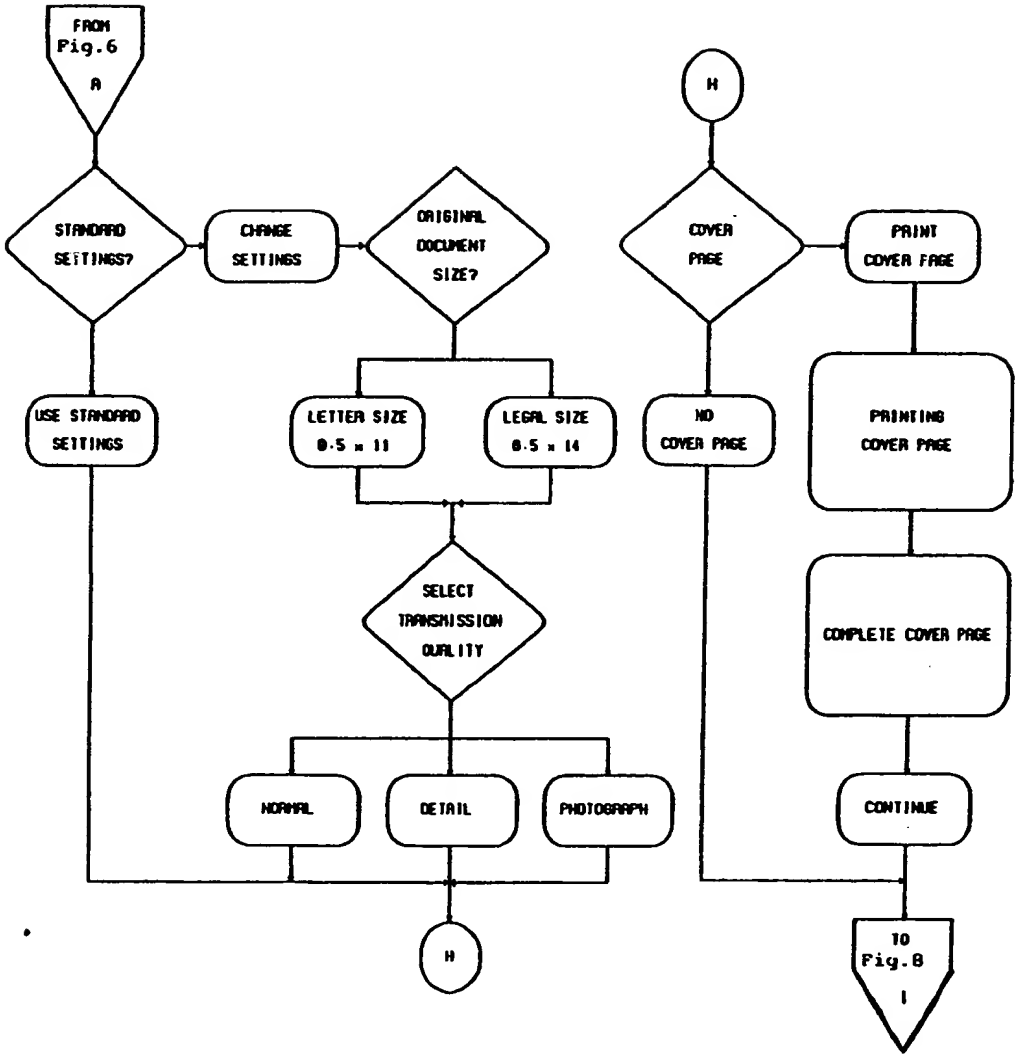

FROM Fig.6 A
STANDARD SETTINGS?
CHANGE SETTINGS
ORIGINAL DOCUMENT SIZE?
USE STANDARD SETTINGS
LETTER SIZE 8.5 x 11
LEGAL SIZE 8.5 x 14
SELECT TRANSMISSION QUALITY
NORMAL
DETAIL
PHOTOGRAPH
H
H
COVER PAGE
NO COVER PAGE
PRINT COVER PAGE
PRINTING COVER PAGE
COMPLETE COVER PAGE
CONTINUE
TO Fig.8 I

Fig. 8

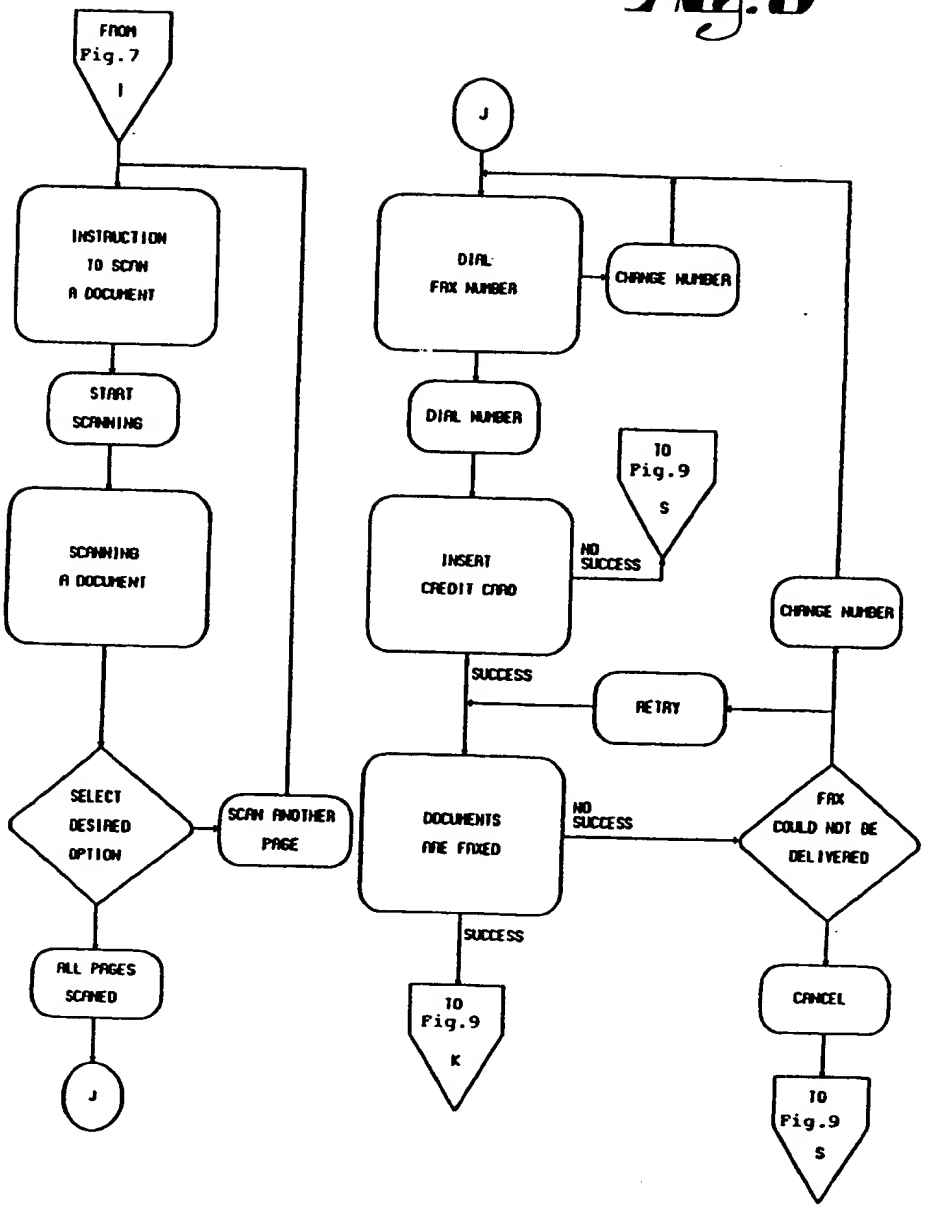

FROM Pig.7 I
INSTRUCTION TO SCAN A DOCUMENT
START SCANNING
SCANNING A DOCUMENT
SELECT DESIRED OPTION
SCAN ANOTHER PAGE
ALL PAGES SCANED
J
J
DIAL FAX NUMBER
CHANGE NUMBER
DIAL NUMBER
INSERT CREDIT CARD
NO SUCCESS
TO Pig.9 S
SUCCESS
RETRY
DOCUMENTS ARE FAXED
NO SUCCESS
FAX COULD NOT BE DELIVERED
SUCCESS
TO Pig.9 K
CHANGE NUMBER
CANCEL
TO Pig.9 S

Fig. 9

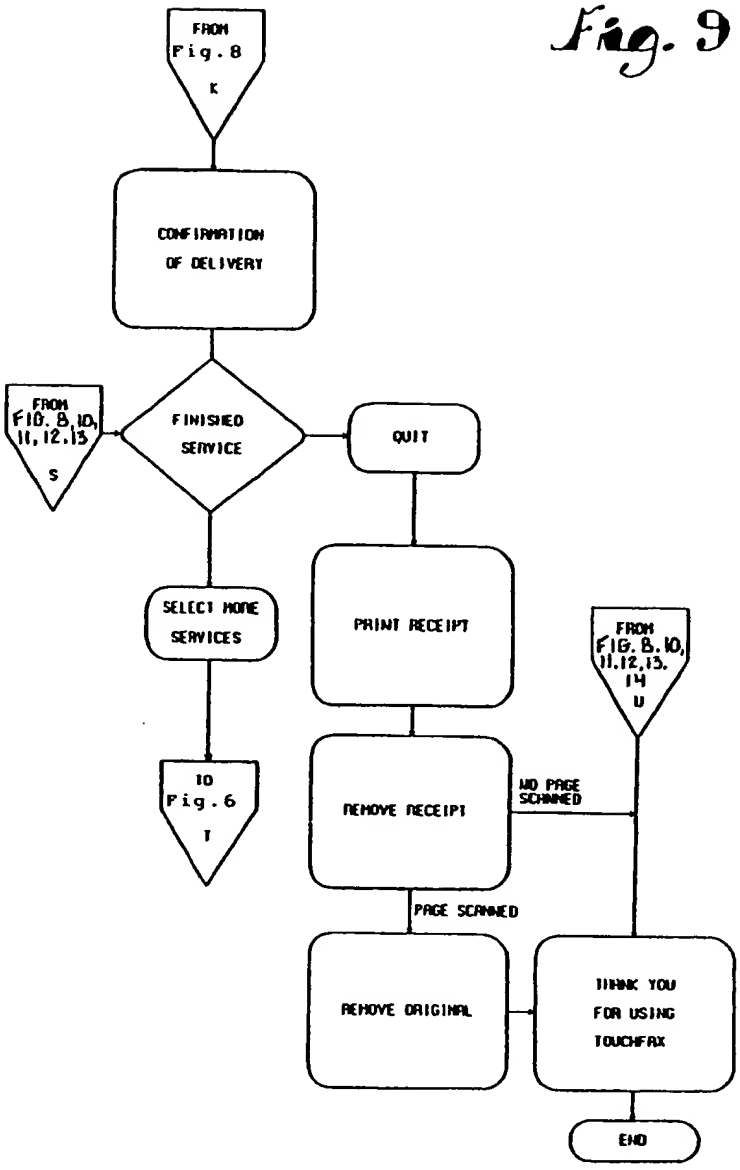

FROM Fig. 8 K
CONFIRMATION OF DELIVERY
FROM FIG. 8, 10, 11, 12, 13 S
FINISHED SERVICE
QUIT
SELECT MORE SERVICES
PRINT RECEIPT
FROM FIG. 8, 10, 11, 12, 13, 14 U
TO Fig. 6 T
REMOVE RECEIPT
NO PAGE SCANNED
PAGE SCANNED
REMOVE ORIGINAL
THANK YOU FOR USING TOUCHFAX
END

Fig. 10

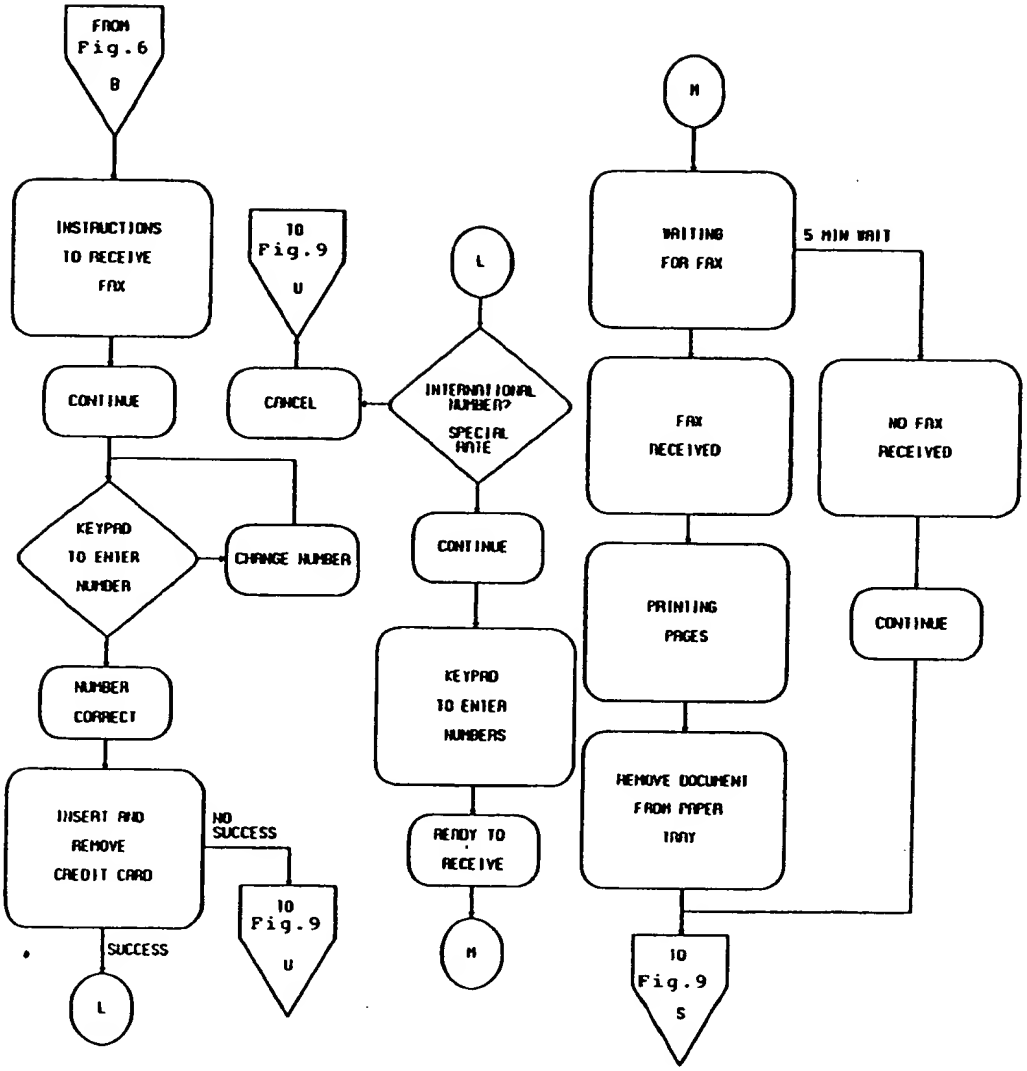

FROM Fig. 6 B
INSTRUCTIONS TO RECEIVE FAX
CONTINUE
KEYPAD TO ENTER NUMBER
CHANGE NUMBER
NUMBER CORRECT
INSERT AND REMOVE CREDIT CARD
NO SUCCESS
SUCCESS
L
TO Fig. 9 U
TO Fig. 9 U
CANCEL
L
INTERNATIONAL NUMBER? SPECIAL RATE
CONTINUE
KEYPAD TO ENTER NUMBERS
READY TO RECEIVE
M
M
WAITING FOR FAX
5 MIN WAIT
FAX RECEIVED
NO FAX RECEIVED
PRINTING PAGES
CONTINUE
REMOVE DOCUMENT FROM PAPER TRAY
TO Fig. 9 S

Fig.11

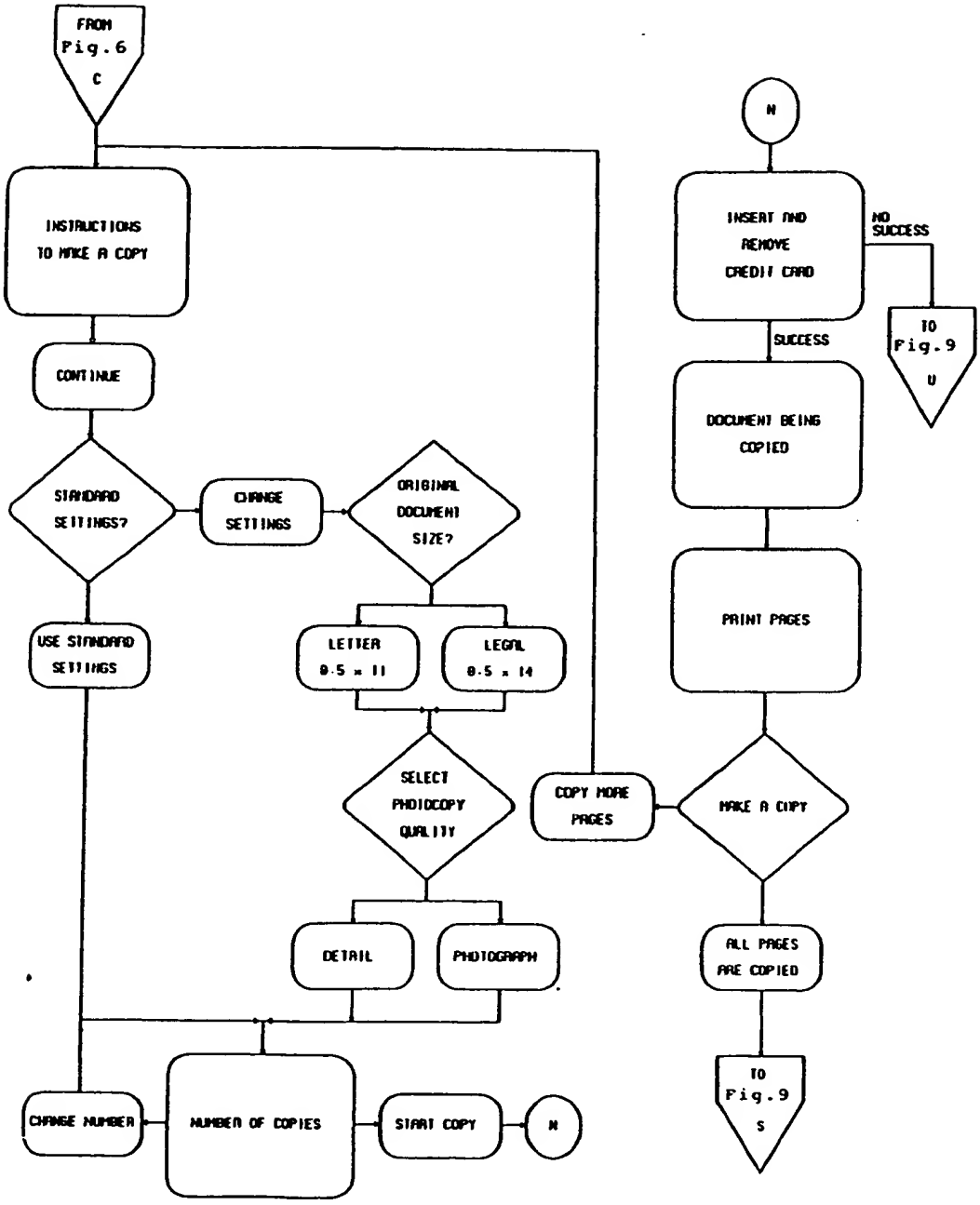

FROM Fig.6 C
INSTRUCTIONS TO MAKE A COPY
CONTINUE
STANDARD SETTINGS?
CHANGE SETTINGS
ORIGINAL DOCUMENT SIZE?
USE STANDARD SETTINGS
LETTER 8.5 x 11
LEGAL 8.5 x 14
SELECT PHOTOCOPY QUALITY
DETAIL
PHOTOGRAPH
CHANGE NUMBER
NUMBER OF COPIES
START COPY
N
N
INSERT AND REMOVE CREDIT CARD
NO SUCCESS
TO Fig.9 U
SUCCESS
DOCUMENT BEING COPIED
PRINT PAGES
MAKE A CIPY
COPY MORE PAGES
ALL PAGES ARE COPIED
TO Fig.9 S

Fig. 12

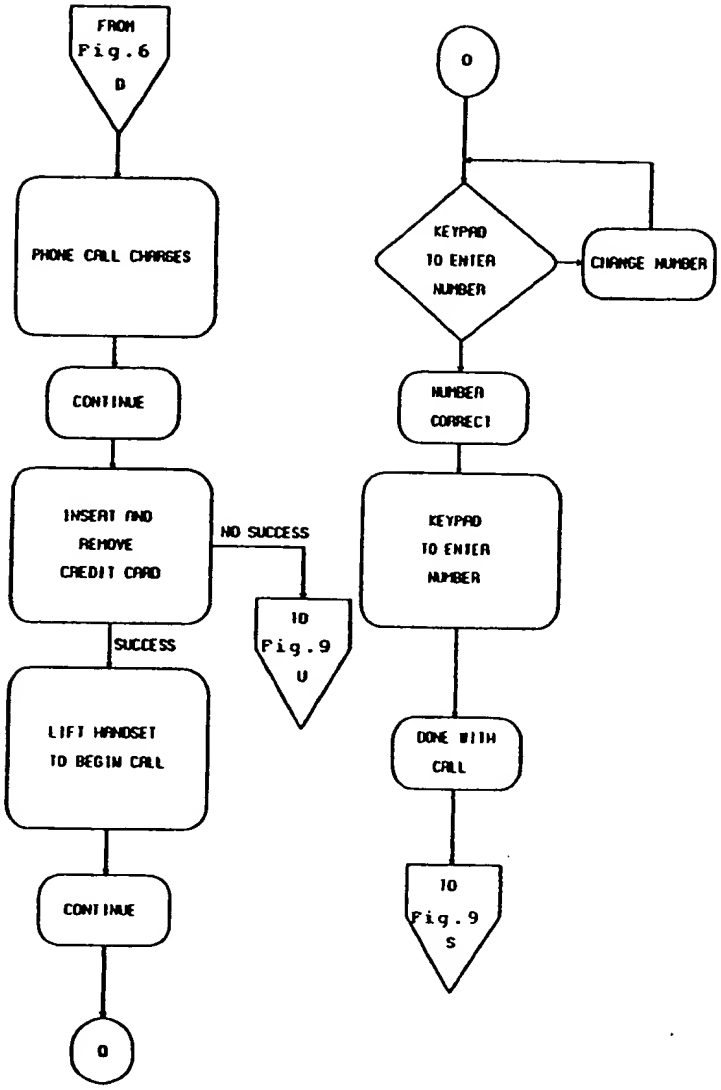

FROM Fig. 6 D
PHONE CALL CHARGES
CONTINUE
INSERT AND REMOVE CREDIT CARD
NO SUCCESS
TO Fig. 9 U
SUCCESS
LIFT HANDSET TO BEGIN CALL
CONTINUE
O
O
KEYPAD TO ENTER NUMBER
CHANGE NUMBER
NUMBER CORRECT
KEYPAD TO ENTER NUMBER
DONE WITH CALL
TO Fig. 9 S

Fig. 13

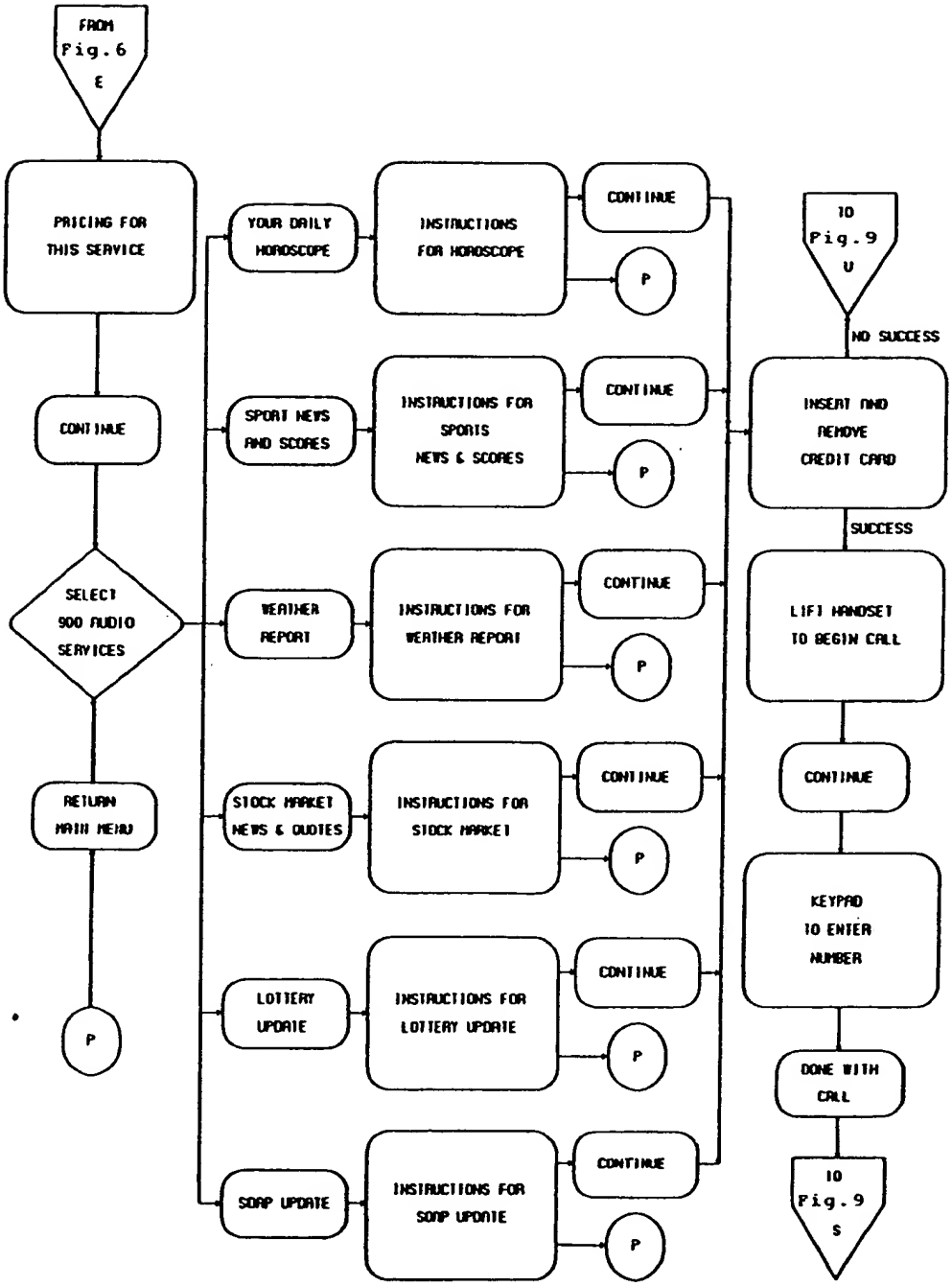
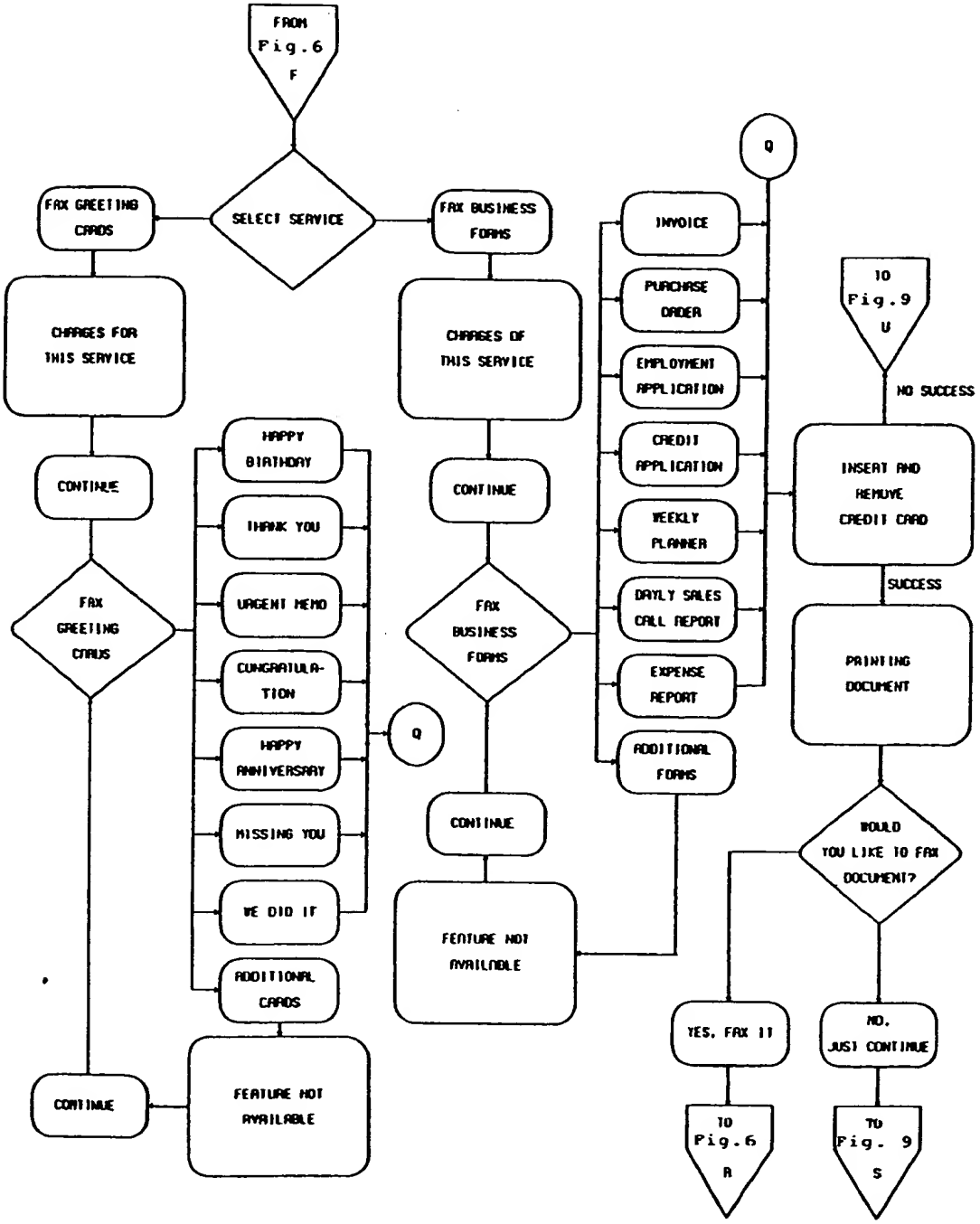

FROM Fig. 6 E
PRICING FOR THIS SERVICE
CONTINUE
SELECT 900 AUDIO SERVICES
RETURN MAIN MENU
P
YOUR DAILY HOROSCOPE
INSTRUCTIONS FOR HOROSCOPE
CONTINUE
P
SPORT NEWS AND SCORES
INSTRUCTIONS FOR SPORTS NEWS & SCORES
CONTINUE
P
WEATHER REPORT
INSTRUCTIONS FOR WEATHER REPORT
CONTINUE
P
STOCK MARKET NEWS & QUOTES
INSTRUCTIONS FOR STOCK MARKET
CONTINUE
P
LOTTERY UPDATE
INSTRUCTIONS FOR LOTTERY UPDATE
CONTINUE
P
SOAP UPDATE
INSTRUCTIONS FOR SOAP UPDATE
CONTINUE
P
TO Fig. 9 U
NO SUCCESS
INSERT AND REMOVE CREDIT CARD
SUCCESS
LIFT HANDSET TO BEGIN CALL
CONTINUE
KEYPAD TO ENTER NUMBER
DONE WITH CALL
TO Fig. 9 S

Fig. 14


FROM Fig.6 F
SELECT SERVICE
FAX GREETING CARDS
FAX BUSINESS FORMS
CHARGES FOR THIS SERVICE
CHARGES OF THIS SERVICE
CONTINUE
CONTINUE
FAX GREETING CARDS
FAX BUSINESS FORMS
HAPPY BIRTHDAY
THANK YOU
URGENT MEMO
CONGRATULA-TION
HAPPY ANNIVERSARY
MISSING YOU
WE DID IT
ADDITIONAL CARDS
Q
INVOICE
PURCHASE ORDER
EMPLOYMENT APPLICATION
CREDIT APPLICATION
WEEKLY PLANNER
DAYLY SALES CALL REPORT
EXPENSE REPORT
ADDITIONAL FORMS
Q
CONTINUE
FEATURE NOT AVAILABLE
CONTINUE
FEATURE NOT AVAILABLE
TO Fig.9 U
NO SUCCESS
INSERT AND REMOVE CREDIT CARD
SUCCESS
PRINTING DOCUMENT
WOULD YOU LIKE TO FAX DOCUMENT?
YES, FAX IT
NO, JUST CONTINUE
TO Fig.6 R
TO Fig. 9 S